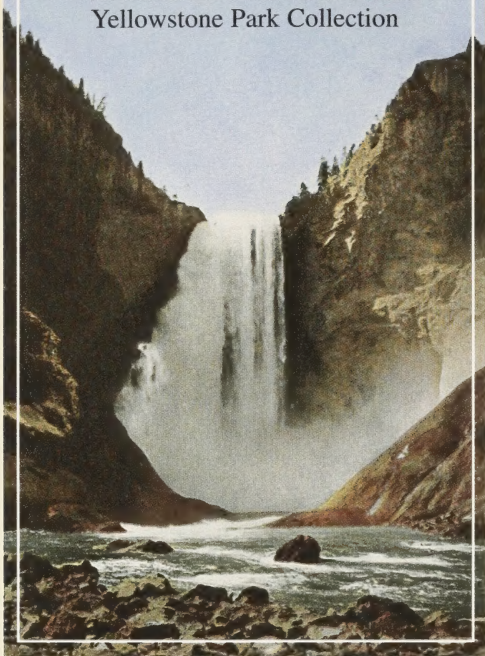


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INVESTIGATION OF PROPOSED ENLARGEMENT OF THE YELLOWSTONE AND GRAND TETON NATIONAL PARKS

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON PUBLIC LANDS AND SURVEYS UNITED STATES SENATE

SEVENTY-THIRD CONGRESS
SECOND SESSION

PURSUANT TO

S.Res. 226 (72d Congress)

A RESOLUTION TO INVESTIGATE ACTIVITIES IN CONNECTION
WITH THE PROPOSED ENLARGEMENT OF THE
YELLOWSTONE AND GRAND TETON
NATIONAL PARKS

AUGUST 7, 8, 9, and 10, 1933

Printed for the use of the Committee on Public Lands and Surveys



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ROBERT D. CAREY

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INVESTIGATION OF PROPOSED ENLARGEMENT OF THE YELLOWSTONE AND GRAND TETON NATIONAL PARKS

MONDAY AUGUST 7, 1933

UNITED STATES SENATE,
SUBCOMMITTEE OF THE
COMMITTEE ON PUBLIC LANDS AND SURVEYS,
Jackson, Wyo.

The Subcommittee of the Committee on Public Lands and Surveys of the United States Senate met, pursuant to call, at 2 p.m., August 7, 1933, in the American Legion Hall, in the town of Jackson, Teton County, State of Wyoming.

Present: Senator Gerald P. Nye, chairman, Senator Henry F. Ashurst, Senator Peter Norbeck, Senator Robert D. Carey, Senator Alva B. Adams, and John C. Pickett, Esq., counsel for the committee.

Chairman NYE. The committee will come to order. For the information of the many who are here, some under subpoena and others who are wanting to appear ultimately in a voluntary way, I think it well that the resolution under which this committee is functioning at this time should be read, to the end that there may be a better understanding of the purposes which are those of this committee. The resolution in question is Senate Resolution 226, which is as follows (reading):

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, is authorized and directed to investigate the activities in the Jackson Hole region, Teton County, Wyo., of the National Park Service, Department of the Interior; the Snake River Land Co.; the Teton Investment Co.; the Teton Hotel Co.; the Teton Transportation Co.; and the Jackson Lake Lodge Co., in connection with the proposed enlargement of the Yellowstone National Park and/or the Grand Teton National Park of Wyoming, particularly with a view to determining—

(a) What methods, if any, have been employed by the National Park Service to discourage persons from making entry and settlement on public land and forest reserves in said region so that the boundaries of said Yellowstone and Grand Teton National Parks might be conveniently extended, and the efforts made by the National Park Service to secure the cooperation of other bureaus and departments of the Government "in discouraging, directly or indirectly, entry or residence on such public lands and in national forests; and

(b) What methods, if any, have been employed by the Snake River Land Co., or any of its agents, affecting residents and settlers on public lands and national forests in said region in connection with its activities in acquiring land or otherwise promoting the project of enlarging the boundaries of the Yellowstone National Park and/or the Grand Teton National Park.

The committee shall report to the Senate as soon as practicable the result of its investigation, together with its recommendations, if any, for legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate until the final report is submitted during the Seventy-third Congress, to employ such clerical and other assistants, to require by subpoena or otherwise, the attendance of such

witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Since two members of this committee previously sat with you and heard you in connection with a like controversy here some 5 years ago, I think I need not tell you that it is going to be the practice of the committee to expedite this hearing so far as it can. It does not desire to cut anyone short in any effort engaged in to present to the committee the facts which it is seeking.

We are going to ask all of you, however, if you have any interest one way or another, to refrain from any applause or any demonstration here upon the offering of any testimony by any witness or witnesses. I think you can well understand why we want to conduct this hearing in a manner that would permit us to get an unbiased slant on the interests and wishes of the people of this community.

When it fell to this committee to undertake the work we are undertaking this afternoon, the committee rather informally met and determined that we might have to conduct two hearings, one out here and one in the East, the one in the East to follow in the fall, when and where we can reach those witnesses who are located in the East. By doing that we have avoided the large expense that would have been entailed by bringing the various witnesses who ultimately will be heard from the East clear out here to Jackson.

I think, with that explanation and with the hope that we may have your cooperation in expediting these hearings and in conducting them in an orderly manner, we are ready to proceed.

The committee has engaged the services of Mr. John C. Pickett of Cheyenne as its counsel, and the committee will ask Mr. Pickett to conduct the examination of those witnesses whom he has called for the hearing, and, following his examination, any member of the committee is at liberty to proceed with any questioning he may desire, if and when he thinks that the counsel has not made the case clear, insofar as that particular witness is concerned.

Before proceeding, however, I am going to ask to have made a part of the record, printed in the appendix of our record, a series of three letters dealing directly with the questions involved here—letters which were written in response to a request from the publisher of a Jackson paper, one by Horace Albright, director of the National Park Service, another letter by Harold P. Fabian, and the third letter by J. H. Rayburn, president of the Teton Investment Co. I am going to ask, in view of the fact they are printed—

Senator CAREY. I desire to object to the introduction of that testimony. Any of these gentlemen could have appeared before the committee—they will appear sooner or later—and I think that it is right that they should make their statements before the committee rather than in writing.

Chairman NYE. I am sure, Senator, that the purpose in requesting that these be printed in the record was not that of evading or avoiding the necessity of calling these persons as witnesses. In the absence of the officials of the National Park Service, it is a matter which the members of the committee may wish to revert to before this hearing is over with here in Jackson. Yet it cannot be accepted as being in

substitute for or in full compliance with the interests of the committee, which assuredly will want to hear them all when the hearings are resumed in Washington in the fall.

Senator CAREY. I understand that each member of the committee has been provided with copies except myself.

Senator ADAMS. You are mistaken as to one member of the committee.

Senator NORBECK. You are mistaken as to two members of the committee.

Senator CAREY. I still feel that Mr. Albright should appear before this committee, and, since they cannot be questioned here, I do not think it is proper to put those in the record at this time, as other members of the committee may wish the privilege —

Chairman NYE. If there is an objection raised, I will withdraw the request, but reserving, however, the right to refer to it, and maybe during the course of these hearings I may wish to renew the request that the entire matter be made a part of the record. At that time, the committee can better determine whether or not it properly belongs in the record. So, for the moment, I will withdraw the request.

Senator CAREY. I will be very glad to withhold my request for the committee to take it up in executive session if they desire.

Mr. WILFORD W. NIELSON, of Jackson. May I be recognized?

Chairman NYE. Yes, Mr. Nielson.

Mr. NIELSON. I am the publisher of the Jackson Hole paper to whom those letters were written. They were written upon my request for information in connection with Mr. Rockefeller's project and program in Jackson Hole. At the time I made the request and at the time the letters were written, I was preparing a history of the early moves in reference to park extension in this county. I have with me a paper which contains the first story that I assembled and published. These other letters are also on record as having been published in my paper.

But before stating that, I would like to state that I am appearing here today as a representative and counsel for the mayor and the town council of the town of Jackson, and for the settlers and landowners of the town of Grovont, otherwise known as Mormon Row, of which I think there are some 27, practically everyone who lives up there, representing 4,460 acres of land in that particular area. I am also appearing herein behalf of and as counsel for a group of dude ranchers in Teton County. I beg leave at this time to present my credentials, and, if I may, I would like to read them into the record and leave them with you.

Chairman NYE. Perhaps it will not be necessary to read them into the record. May I see them, however?

Senator ADAMS. Hasn't the attorney for the committee any regular order of procedure here?

Mr. PICKETT. It is my understanding that I was to conduct —

Chairman NYE. Mr. Nielson has made this request intending to call the committee's attention to the fact that he is a representative of different groups in the community from whom we are expecting to hear at some time during the hearing. Is that your purpose, Mr. Nielson?

Mr. NIELSON. Yes. And if I may be heard a trifle further, I will say that question of park extension is an old one in this county.

During the period that I have resided here, some 8 years, I have been——

Senator ADAMS. Let's proceed in a regular way. I object to Mr. Nielson's taking part. If he is interested and represents people who wish to take part, they can be called upon when the proper time comes.

Mr. NIELSON. There is one thing which I wish to know. I want to know whether or not I am going to be permitted to represent these people here before this committee.

Chairman NYE. We are not going to deny the right to anyone to be heard or to represent or to present the cause of any individual or any group of individuals who want to be heard during the time we are here, you may be assured of that.

Mr. NIELSON. On thing further before I sit down—I would like to move——

Senator CAREY. Are we going to proceed in an orderly manner?

Mr. NIELSON (continuing). That the letters that you have just spoken of, written by Mr. Albright and Mr. Fabian be made a part of the record, and also the early history which preceded——

Chairman NYE. Mr. Nielson, the committee has determined that for the time being it will withhold the request to publish the letters in the record, but ultimately we will come back to that point, and then we can debate that issue and also the addition of any other matter that might be relevant.

Mr. NIELSON. May I appear before the committee at that time?

Chairman NYE. You may be assured of that.

Mr. NIELSON. Thank you.

Senator ADAMS. I come here as one member of the committee practically without information as to this matter. I would like to have a statement from Mr. Pickett as to a general outline of the plan that he has in mind.

Chairman NYE. I am sure Mr. Pickett is prepared to do that right at this time.

Mr. PICKETT. I am, certainly.

Chairman NYE. You may proceed, Mr. Pickett.

Mr. PICKETT. My plan of developing the evidence in this hearing is to commence by showing the program in its inception. There are witnesses here who attended the meetings which I think were the meetings, or the meeting, which started the program of the Snake River Land Co. eventually on its progress.

Chairman NYE. Mr. Pickett, if I understand Senator Adams aright, he would like—and I am sure the other members of the committee would like—a statement from you which would present in a general way the controversy with which we are having to deal.

Senator NORBECK. Yes; both sides of it. This is not a prosecution—this is a hearing.

Senator ADAMS. Yes; we are here investigating, to find out. We are not prosecuting anyone. We are conducting a hearing to determine the facts.

Mr. PICKETT. Yes; I understand that, Senator. Do you want a story of the thing as I got it in my investigation?

Senator ADAMS. As one member of the committee, I don't know a thing about it, and I am asking for information so the evidence that you put in will be intelligible. You have talked with both sides of the controversy, have you not?

Mr. PICKETT. I have talked with everyone that I could contact on the matter.

Senator NORBECK. Do you feel that you have a correct viewpoint of the different groups in the basin here?

Mr. PICKETT. I am sure I do.

Senator NORBECK. Mr. Chairman, let him state that to the committee for the benefit of those who are not familiar with it.

Chairman NYE. That is what I think Mr. Pickett started to do, and that is what he will do.

Mr. PICKETT. Not to state any conclusions, because I attempted to keep away from them——

Senator NORBECK. We will reach conclusions after we get the evidence.

Mr. PICKETT. That's it. I expect to show by the witnesses who are called in the hearing that sometime in 1923 there was a meeting at Menor's Ferry in which there were present Struthers Burt, Jack Eynon, Joe Jones, Doctor Carncross, and Horace Albright. There was discussed there a program of attempting in some way to acquire the private holdings within the Jackson Hole area. A short time after that, these men through their own efforts raised some capital and sent two of these men east in an attempt to interest some people of means in their program. Approximately 3 years after that, or maybe a little less, Albright, I think through the friendship of Burt, met a man by the name of Chorley of New York City, who was a representative of Mr. Rockefeller. Later, Mr. Rockefeller visited the country and went over the land in the Jackson Hole area, and he agreed at that time that he would furnish the money to buy up the private holdings, contingent upon certain withdrawals of unappropriated lands and what he thought would be in agreement with the State officials and the Congressional representatives.

This map here substantially outlines the project, which I will refer to as exhibit 1. The upper part is Yellowstone. Below it, the green, is the national forest area within this section of the State.

Other detailed arrangements were finally made, and Mr. Miller, of Jackson, was employed through the efforts of Mr. Webb, who was an attorney in New York City representing Mr. Rockefeller, and it was arranged that the purchases should be commenced of the land within this area. They did commence late in 1927, or early in 1928. As to that particular period, this map is not correct, as the Grand Teton National Park had not yet been created at that time.

Senator ASHURST. Is that shown on this map?

Mr. PICKETT. Yes. The purchases commenced late in 1927 or early in 1928. In 1928, in the late summer, a Senate committee visited this section in connection with the creation of the Grand Teton National Park, and as a result of that committee's efforts a law was enacted creating the Grand Teton National Park.

The area on the map in white is the unappropriated land. And I might say that before this time, on July 7th, 1927, all of the unappropriated land within this area was withdrawn from entry.

Senator NORBECK. Within what area?

Mr. PICKETT. The project agreed upon by Mr. Rockefeller and his representatives.

Senator NORBECK. Could you describe that on the map?

Mr. PICKETT. Yes, very easily. Now, for instance, the red represents the purchases made by the Snake River Land Co. The white is the unappropriated land——

Senator NORBECK. The Snake River Land Co.—that has reference to the so-called Rockefeller purchases?

Mr. PICKETT. Yes. I might say now that my investigation is confined to the project within this particular area. As I understand it, we are not interested in what may have been done some place else in connection with this.

Now, this [indicating] is the privately owned land.

Senator NORBECK. The red?

Mr. PICKETT. No; the red is the land purchased by the Snake River Land Co.

Senator NORBECK. The red makes a total of about how many acres?

Mr. PICKETT. I think a little less than 40,000 acres.

Chairman NYE. That is the land which has been purchased by the Snake River Land Co.?

Mr. PICKETT. Yes, or under contract, or relinquishments purchased I think the relinquishments are in a little lighter color. The dark blue represents the Government-owned land now under the control of the Biological Survey.

Senator NORBECK. And used for the purpose of producing hay for the elk?

Mr. PICKETT. Yes. The light blue, which includes the dark blue and some unappropriated land, includes the land which was included in what is known as the Winter bill, which was to increase the holdings of the Biological Survey.

Senator ASHURST. That has reference to Congressman Winter's bill of some 6 or 8 years ago?

Mr. PICKETT. I will get to that in a short time. This bill was introduced, I believe, before the inception of the program of the Snake River Land Co., and with its inception this matter was not pressed.

This program of the Snake River Land Co. extends to about 6 miles north of Jackson. You can see on the map how it comes down in different angles.

This particular area east of what is known as Blacktail Butte—you passed it on your way in here, about 10 miles out here—is what is known as "Mormon Row." These people who live in there have a community probably 8 or 10 miles square.

Is there anything else about that particular area that you gentlemen would like to know?

These yellow sections are the school sections, which belong to the State of Wyoming.

This green includes the national forests in this area. The Teton National Forest is in here [indicating], adjoining this area, and the Grand Teton National Park, and to the west the Targhee National Forest, and over in this part, to the east and south is the Shoshone National Forest and the Washakie National Forest.

This land that is the subject of this controversy constitutes most of the valley floor of Jackson Hole down to its present limit to within approximately 6 miles north of Jackson, and is between the new Grand Teton National Park on the west and the Teton National Forest on the east and north, and, I believe, also on the south.

Senator ADAMS. The part in white is public lands not included or within the forest reserve which has been withdrawn from entry?

Mr. PICKETT. That is correct.

Senator NORBECK. The white has not been withdrawn? That is still open to settlement?

Mr. PICKETT. No; that is unappropriated public land, and that was withdrawn from entry by Presidential order of July 7, 1927, and the basis of that order, included in the Presidential order, I believe, was for elk refuge.

Now, the resolution calls for an investigation as to the methods used in order to make these purchases, both of private land and of relinquishments, or those entries upon which final proof had not yet been made and patent issued.

Senator NORBECK. What is the legal status of a relinquishment purchased by the Rockefeller interests at the present time?

Mr. PICKETT. The relinquishment went back to the Government.

Senator NORBECK. About how many tracts of the Rockefeller purchases went back to the Government—about how many acres? It is not necessary to have that information at this time, but you will get that into the record?

Mr. PICKETT. Yes; that will be shown by the evidence. That is shown on that map, Senator Norbeck, by the different colorings.

Witnesses will be called who have sold or who have been approached to sell and did not sell, in order to make the proof within the resolution.

Now, in addition to that matter, the matter of concessions within this area will be shown, and the connection of these different people with these concessions. This will be shown by the officials of the concession companies, and their tie-in, if any, with the principals of the other companies.

As I say, my purpose is to begin at the inception and follow it through, and conclude the hearing with witnesses who have complaints or anything else that they want to say in connection with these purchases.

If I have not made myself clear, I am sure that I can by answering any questions.

Chairman NYE. Does the committee have any questions? If not, then, Mr. Pickett, you may proceed with your witnesses.

TESTIMONY OF STRUTHERS BURT

Mr. PICKETT. Your name is Struthers Burt?

Mr. BURT. Yes, sir.

Mr. PICKETT. You are a writer by profession, Mr. Burt?

Mr. BURT. Yes, sir.

Mr. PICKETT. And have spent considerable time in this locality?

Mr. BURT. Yes, sir; I have been a citizen of Wyoming for 25 years.

Mr. PICKETT. And that citizenship has been mostly your residence here in the Jackson Hole country?

Mr. BURT. That is right, yes; until the war.

Senator NORBECK. Your post-office address while here is what?

Mr. BURT. Moran, Wyo.

Mr. PICKETT. You are familiar with the country?

Mr. BURT. Yes, sir.

Mr. PICKETT. In this particular community?

Mr. BURT. Yes, sir.

Mr. PICKETT. And you have been familiar with and kept familiarized with the development of the park systems, and attempts to develop them?

Mr. BURT. Yes, sir.

Mr. PICKETT. I would like to have you, Mr. Burt, for the information of the committee, state your interests in it and in the development of the park area here, and what you know about the development, and particularly the reasons, and what was done at a meeting at Menor's Ferry in 1923?

Mr. BURT. Well, Mr. Pickett, with all due respect, I think you omitted two very important things. In the first place, this controversy has been going on—rather, not the controversy, but the history of this—for a good many years. I have been in here for 25 years, and from the time I came into this country, I suppose because of its peculiar beauty, it has been the subject of various kinds of attack. When I first came in here we fought the sheepmen to keep them out, thinking it would ruin the country. Shortly after that we fought for a great many years—and Senator Carey will remember it, he was Governor at the time—the Carey Act project, and the object of the Carey Act project was to take in all of the land of Antelope Flat, and all of the lands near Jenny Lake north of Menor's Ferry, was to sell that land to homesteaders, because the engineer, Mr. Christmas, stated to us—I talked it over with him in detail—and he finally admitted that that land was no good, that the homesteaders would come in, and that the water had all been sold to Idaho.

From the very beginning this country has been the subject of this attack. Mr. Eynon, one of the oldest residents of the country, in the nineties had the idea that there must be something done on the north end of that country. This whole project—and, as I have said, that take in most of that territory—is a zoning project. It is for the interests of the country that the north end of it should be kept fairly decent for what we considered to be the best interest. There is hardly an acre of land in that country that is worth anything for agricultural purposes. The plan from the very beginning has been to avoid in any way, shape, or manner anything that we thought was not for the real interests of Jackson Hole. The men in this particular group—they, at all events—have been working for the best interests of the country. This zoning thing does not take in all of the floor of Jackson Hole, but very studiously avoids any land that is worth anything for cattle or any other purposes.

Mr. Eynon was the first man who thought of this. Mr. Eynon, years ago, used to guide Mr. Collier, Mr. Hanna, and Mr. Archbold, and when they were camped they used to talk over what a wonderful thing it would be if someone could get hold of the north end of the valley and keep it for the game, recreational, and tourist purposes. Years later, after the war, word came down to us that the Yellowstone Park wanted to add the Grand Tetons to Yellowstone Park. At that time Mr. Winger came down to see me, and I remember very distinctly what he said—he asked me—that is, the editor of the Jackson Hole Courier—if I thought it would be a good thing, and I said, "No." I will tell you why I said "No", and why I wrote the letter which has been quoted against me. In the first place, the Yellowstone Park at that time was under the United States Cavalry—they took them out in 1916 and then put them back again. In 1916, the last

time I have been to Yellowstone Park, I went there with my sister, and she was insulted by a soldier. The park at that time was entirely under the control of Mr. A. B. Childs, who ran it like a czar; he was insolent, he was discourteous, and it was dangerous; the soldiers had even been committing robbery. And, furthermore, at that time this country was comparatively savage.

Mr. Winger said, "Do you want all of the yellow busses; do you want all of these soldiers?" and I said "No"; and he asked me if I would write a letter, which I wrote, and I still would oppose any addition to this Yellowstone Park. I do not understand why it is talked of as an addition to the Yellowstone Park—it is not an addition to the Yellowstone Park, although it is still referred to as such.

Shortly after, we kept on talking about this, what was happening to the country. We saw what was happening to the country—the north end of it was being ruined. A ranch came in here called the Elbo, and I can call witnesses here as to what the Elbo was. We finally held a meeting at Menors Ferry, and had asked Mr. Albright down, and, in the meantime, I had met him and had come to respect and admire him, and thought his ideas were just the same as those of the group of men who had tried—we might be mistaken, but at least we are trying to defend this country.

Senator ASHURST. What do you mean by "defending this country."

Mr. BURT. If you had seen it 5 or 6 years ago—

Senator ASHURST. I did see it 5 years ago; what do you mean by the phrase "defending this country?"

Mr. BURT. I mean I believe that the wonderful things in this country, Senator, should be preserved to some extent as they are. The Elbo Ranch was there, and had all kinds of hot-dog stands along the road, and you can go on any hill in Jackson Hole and look down on the highway, and the people on the highway down there can see the country now as it was 10 years ago, north of that line, and that is what we have been working for from the beginning.

Senator NORBECK. There is less commercialization of the highway?

Mr. BURT. Yes; I mean the country. Instead of one man ruining it for thousands, the thousands should look at it and see it to some extent as the country really looks. We collected \$700 and sent Mr. Winger—

Mr. PICKETT. That was after the meeting at Menors Ferry?

Mr. BURT. Yes.

Mr. PICKETT. Tell us what happened at that meeting.

Mr. BURT. Mr. Winger was our spokesman and stated our case. I had been sent up to talk to Albright in the meantime, the winter before I met him; he approved of this thing. We had no idea of what would happen to this land. Our only thought was if we could only get somebody to help us protect it. The idea was to leave the country as much as possible as it was, and we thought if we could buy out the nonresident ranchers we would buy out a good many of them, and we would buy out any nuisances. We would leave in the country any cattle ranch or dude ranch, any ranch that was a good ranch—the idea was to leave them. Mr Albright at that time said, "This is not going to be like a national park, it is going to be a western valley, kept decent."

Mr. PICKETT. Was it your understanding at that meeting that this area should be made a park?

Mr. BURT. No, sir; at that time we were willing to turn it over to any agency that would take care of it.

Mr. PICKETT. Why was Albright called in—he was superintendent of Yellowstone Park?

Mr. BURT. Because he was interested in those things, and I had become, in about 10 months, a most intensive admirer of Mr. Albright, and because I knew from talking with him, as I say, a great deal, that he would be in favor of any such plan.

Mr. PICKETT. How long after that meeting was it before the money was raised to send Eynon and Winger east?

Mr. BURT. I am not sure of dates, but I think it was a few months later, in the winter.

Mr. PICKETT. They went east in the winter following that meeting?

Mr. BURT. Yes, and they went down to see Mr. Archbold and Mr. Hanna—Mr. Collier was dead—and they were still very much interested but had no money to spend. They also went to see the Camp-fire Club, and various organizations.

Mr. PICKETT. Were they able to interest any capital at that time?

Mr. BURT. No, sir.

Mr. PICKETT. How long after that was it that Mr. Rockefeller became interested in it?

Mr. BURT. I could not say exactly, but I suppose 2 or 3 years later.

Senator NORBECK. You spoke of interesting capital. Was the idea to interest capital to invest, or to ask them to donate money?

Mr. BURT. To donate it, of course.

Senator NORBECK. For a public purpose?

Mr. BURT. Yes, sir, to turn it over to some governmental agency.

Senator NORBECK. For the use and protection of the public?

Mr. BURT. Yes.

Senator NORBECK. Then, do I understand that the origin of this movement to protect the upper part of the basin against commercialization originated not with Albright, but with you people who called on Albright?

Mr. BURT. Yes, sir; absolutely, Mr. Jones, Mr. Jack Eynon, Mr. Winger, my partner, Dr. Carncross, who is now dead, and Miss Noble.

Senator CAREY. Was it true that previous to this meeting Albright had been endeavoring to extend Yellowstone Park?

Mr. BURT. Yes, sir; but not in this direction, that I know of, except possibly the confines of Teton National Park, which was another project.

Senator CAREY. Do you recall the time that we went and looked over the country, and at that time you were opposing park extension?

Mr. BURT. Yes, sir; I was.

Senator CAREY. Don't you recall at that time that we desired to bring the line to Buffalo Fork?

Mr. BURT. I don't, Senator, no; maybe I ought to, but I don't seem to.

Senator CAREY. I made a trip with about 25 people at that time who were opposed to that.

Mr. BURT. You remember we went up Pacific Creek, and one of the things we scrapped about at that time was a road that went up over Pacific Creek. But Albright came down here in 1919—he was absolutely new at this job—he was under Mr. Mather, and I think Mr. Mather was one of the greatest men that ever lived, and Mr. Mather

came into the park and put the Park Service on the map. It was not until after I met Mr. Albright in 1919 that I became convinced that he wished to find out what the people wanted and what they thought was the proper thing to do, and that is the reason I become a warm friend of Mr. Albright.

Senator CAREY. You recall in 1919 that we visited Jackson, and that you were here and I was here, to bring up the matter of park extension?

Mr. BURT. In 1919?

Senator CAREY. Yes; in 1919.

Mr. BURT. Yes, sir; that is the meeting I referred to. Mr. Carn-cross came down here, but I did not come.

Senator CAREY. He had thought of park extension before you had your meeting with these people at Menor's Ferry?

Mr. BURT. Yes; but I do not remember that that had anything to do except more or less with the Grand Teton Mountains.

Mr. PICKETT. I might clear that up.

When was it that you wrote the letter that you wrote about the park extension?

Mr. BURT. That was in 1919.

Mr. PICKETT. What extension did you oppose at that time?

Mr. BURT. The Grand Teton, and I opposed any Yellowstone extension, and, as I remember it, it was to take in just the west side of the river, the Grand Tetons.

Mr. PICKETT. Then your opposition was to Yellowstone and not to any other park?

Mr. BURT. I only knew Yellowstone at that time. I knew it under the soldiers, and I had had a most unpleasant experience up there just before the war, and I knew about Mr. Childs, but I think the old experience is not comparable to anything at present.

Mr. PICKETT. Was the national park——

Mr. BURT. It started in 1916; and, as I remember, they took the soldiers out and then put them back again during the war.

Mr. PICKETT. Then, after the meeting at Menor's Ferry and the attempt to interest capital, as you say——

Mr. BURT. Now, the word "capital" is an unfortunate term——

Mr. PICKETT. I will use something else, but you used it—to interest somebody with means in the project—how long was it before anyone did become interested?

Mr. BURT. I think about 3 or 4 years. I could not tell you the exact date.

Mr. PICKETT. Do you know what happened then?

Mr. BURT. Yes; I know what happened until the Snake River Land Co. came in, but I am not conversant with all of the details.

Mr. PICKETT. I mean up to and including the time that Mr. Rockefeller came in?

Mr. BURT. Yes.

Mr. PICKETT. Will you tell the committee what you know about that?

Mr. BURT. That was a completely accidental thing. Through Mr. Allen, of Harper's Magazine, I met Mr. Chorley, who was the second man under Colonel Woods, who was then interested in the Indian Research in the Rockefeller Research. I told Mr. Chorley that this thing was uppermost in my mind. I told Mr. Chorley the

story, and he was extremely interested, but he said at that time that he did not think the Rockefeller Foundation could do anything, and he did not think or he did not know that anything could be done. I asked him several questions. The day after I met him, which was purely accidental, Mr. Albright, who I didn't know was in New York, called me up from the Hotel Astor, and, having discovered that Chorley was a Rockefeller man, I thought it would be a very good thing if Mr. Chorley and Mr. Albright were to meet. I was leaving New York, and I told Mr. Albright I was, and I asked him if he knew who Mr. Chorley was and if he would meet him, and he said he would be delighted. I called Mr. Chorley up and told him who Mr. Albright was, that he was the superintendent of Yellowstone, and he said that he would be delighted to meet him, and arranged for luncheon, and I left. I was out of the country for about 8 months before I got back home, and during that time this thing started. Mr. Rockefeller had been here and saw what was happening to the country, and said he thought it was a shame, and he would appropriate a million and a half dollars; and that is how the thing started.

Senator NORBECK. To buy the land; give it to the Government?

Mr. BURT. Yes; sir.

Mr. PICKETT. Did you have an understanding at that time, Mr. Burt, with Mr. Chorley as to the purpose of this land and what it was to be used for?

Mr. BURT. No, sir. I think the reason why it became a national-park idea was because Mr. Albright and Mr. Rockefeller got to know each other very well, and Mr. Rockefeller has helped in many national parks throughout the country since then.

Mr. PICKETT. What was the original purpose?

Mr. BURT. The original purpose was to get anybody to purchase this property, and then to turn it over to any agency who would protect it—the Biological Survey or anything.

Mr. PICKETT. You had no interest in the National Park Service at that time?

Mr. BURT. Not as I remember it; no, sir.

Mr. PICKETT. That includes, I take it, your original plan of the territory north of Blacktail Butte?

Mr. BURT. That was the original plan. The thing has been altered very much since then in various ways by Mr. Deloney.

Mr. PICKETT. How wide a territory is that valley there?

Mr. BURT. Where?

Mr. PICKETT. North of Blacktail Butte?

Mr. BURT. I suppose about 15 or 20 miles wide, isn't it; something like that?

Mr. PICKETT. That would be from the boundary of the Teton National Park over to the boundary of the Teton National Forest on the east?

Mr. BURT. Yes, sir.

Mr. PICKETT. What kind of country is that through there?

Mr. BURT. It is for the most part a sagebrush country.

Mr. PICKETT. All of that unappropriated land was sagebrush country?

Mr. BURT. Yes, sir.

Mr. PICKETT. And the other was before it was settled to some extent, I understand?

Mr. BURT. Yes, sir.

Mr. PICKETT. What did you have in mind as the purpose of that sagebrush country?

Mr. BURT. A good deal of that started originally with the Carey Act, Mr. Pickett. I mean, when we first came in here, that country was all taken up by Carey Act people, and I suppose from the very beginning we were a little bit prejudiced—we saw a good many abandoned ranches and a good many down fences, and we had a feeling that that whole territory would become something like that.

Mr. PICKETT. Has that country through there that you mention any scenic value?

Mr. BURT. No, sir; it only has an obsceenic value, or a nonscenic value.

Mr. PICKETT. Do you place any value on that?

Mr. BURT. Yes, sir; very decidedly.

Mr. PICKETT. Now, look at this map——

Chairman NYE. Right in that connection, Mr. Pickett, would you object to my asking the witness what the range value of that territory was considered to be at that time?

Mr. BURT. Very little; very little. There is a little bit of range north of us that is fairly good range, but practically none of the rest of the country is very good range.

Senator CAREY. Were you referring to the west side or the east side?

Mr. BURT. Both sides.

Senator CAREY. You say the east side has no value for grazing?

Mr. BURT. No, sir.

Mr. PICKETT. Are you familiar with the elk conditions in that country?

Mr. BURT. Fairly.

Mr. PICKETT. Has that country any benefit to the elk?

Mr. BURT. On the east side there is an elk drift that they use to come down through Mr. Hedwick's place, through there.

Mr. PICKETT. Whereabouts is that on the map? Was Mr. Hedwick's place on the Snake?

Mr. BURT. It was just below Captain Buckinrode's place. Their driftway is south there below the hill that comes down Captain Buckinrode's place.

Mr. PICKETT. It has no benefit to the elk, you think, except for drift?

Mr. BURT. That is all; yes, sir.

Mr. PICKETT. Any range——

Mr. BURT. That is, within my memory, I have never known elk to summer there. They come down there in the fall.

Senator CAREY. Do they winter there?

Mr. BURT. I do not think so; no, sir.

Senator CAREY. When are they in there?

Mr. BURT. It is only a drift.

Senator CAREY. They just go through there?

Mr. BURT. Yes.

Mr. PICKETT. There are no elk in the valley except when the winter conditions force them down for feed?

Mr. BURT. No. I haven't followed these elk any since the war, so I am not a very good witness as to elk conditions.

Mr. PICKETT. Did your men in your meeting have in mind the preservation of the elk, in addition to——

Mr. BURT. I could not answer that. Possibly we did, but I cannot remember. Unfortunately, no notes were taken that I know of.

Mr. PICKETT. At that time, how much privately owned land was there in that section—have you any idea?

Mr. BURT. I imagine about the same as there was when the Rockefeller purchases began.

Mr. PICKETT. Did you reach any conclusion as to the amount of money it would take to purchase it?

Mr. BURT. Yes, we thought about a million dollars, I think that was the figure. We thought at that time it was the wildest dream in the world, and had no idea—but we thought we would make a try.

Mr. PICKETT. Were there some cattle ranches through that particular area at that time?

Mr. BURT. Yes, sir; there was one very fine ranch, Mr. Cy Ferrin, but outside of that I don't think there were any good cattle ranches.

Mr. PICKETT. Those that were in there were having trouble?

Mr. BURT. Trouble?

Mr. PICKETT. Financial trouble?

Mr. BURT. Not very much.

Senator CAREY. Was the Hatchet Ranch operating in there at the time?

Mr. BURT. Yes, sir; but they were losing money, I understand.

Mr. PICKETT. Did all of these men at that time, with the exception of Mr. Albright, own land within the limits of that project?

Mr. BURT. Yes, sir.

Mr. PICKETT. All of them?

Mr. BURT. Yes, sir.

Mr. PICKETT. You owned land there?

Mr. BURT. Yes. I wasn't having trouble, though. I was making money.

Mr. PICKETT. What ranch did you own?

Mr. BURT. The Bar B.C.

Mr. PICKETT. That is a "dude ranch?"

Mr. BURT. We had two. We had a cattle ranch down in Spring Gulch and a "dude ranch" in this territory.

Mr. PICKETT. Was the cattle ranch at that time within this area?

Mr. BURT. No, sir, it has never been within the area.

Mr. PICKETT. It has never been in either project?

Mr. BURT. No, sir.

Mr. PICKETT. Now, after this project was launched, you sold the Bar B.C. to the Snake River Land Co.?

Mr. BURT. Yes, sir; much against our will, some time, many years, later.

Mr. PICKETT. Were you acquainted with the purpose of the purchases by the Snake River Land Co.?

Mr. BURT. I do not exactly understand your question.

Mr. PICKETT. The purpose of the project? Was it to conform with the meeting of 1923?

Mr. BURT. Yes, sir. When this thing was first started, the idea was to purchase no ranches that did not want to sell or that were doing well. Subsequently, 2 or 3 years afterward—that was my complete understanding—Mr. Fabian and Mr. Chorley came to me and

told me that they had discovered that the United States Government was very loath to take any land where there was a fee simple, if I used the correct term, and therefore they wished to buy ranches in that area solely on account of what the Government had told them, and then they would lease it back to any other people who wished to stay. Furthermore, they had another reason. They were afraid of a nuisance, and they put the nuisance clause in that lease, because they were afraid that somebody would——

Senator ADAMS. Might I ask a little further explanation about the Government being loath to take land when they would get a clear title?

Mr. BURT. That is what I was told.

Senator ADAMS. What was the explanation for that?

Mr. BURT. The explanation is that they had in the national parks so much trouble where there were private holdings, and they would want it particularly out in this section, because I guess they were afraid that somebody would make——

Senator ADAMS. Why should the Government be disturbed if the Government had the full fee title?

Mr. BURT. They did not, sir. The idea was not originally to buy any of this property except just to fill in or the owner wished to sell. Our ranch, the upper ranch, came into that category, and 3 or 4 years later Mr. Fabian and Mr. Chorley told us that, and much against our will we sold them that land, and they leased it back to us to conduct our business.

Senator CAREY. What other people have sold their land and then had leases back?

Mr. BURT. Mr. Shawbacher, and I think Mr. Sensenbach. I may or may not be correct in these details, but I think there are 4 or 5 people in there.

Senator CAREY. Has anybody that was trying to make a living in there ever sold out?

Mr. BURT. No, sir. I don't know a person that was making a living out there. I don't know a person.

Senator CAREY. And they tried to make a living in the ranching business?

Mr. BURT. No, sir. I have lived in here a good while, and I have had man after man come to me and try to get me to sell their land. I don't know anybody that was making a living up there except "dude" ranchers.

Senator CAREY. There are some people that haven't sold out?

Mr. BURT. Because they haven't got their price.

Senator CAREY. And maybe because they don't want to sell?

Mr. BURT. I don't know a person up there that doesn't want to sell if they get their price.

Mr. PICKETT. You sold the Bar B.C. to the Snake River Land Co.?

Mr. BURT. Yes, sir.

Mr. PICKETT. Were you paid what you thought it was worth?

Mr. BURT. No, sir. We thought the ranch at that time was worth \$125,000.

Senator NORBECK. How many acres?

Mr. BURT. Six hundred and seventy some. It was not the acreage, but it was the business that we thought was worth that.

Senator NORBECK. In what year was that?

Mr. BURT. '27 or '28, I think.

Mr. PICKETT. And you still are allowed, under the terms of the lease, to operate the Bar B.C.?

Mr. BURT. Yes, sir.

Mr. PICKETT. Do you pay rental value?

Mr. BURT. No, sir; we do not. That was one of the conditions. The situation is a curious one. I had just recently taken in a partner, and my partner had paid for a one-third share \$35,000, and I felt responsible to him—I didn't want to sell that land and cut all of our real estate right from under our feet. Though I did feel morally obligated to the Snake River Land Co.—and I think there is correspondence, and a long one, that went on on that subject—I did not want to sell. I sold, principally because I had been connected with this thing.

Mr. PICKETT. But you are permitted to operate the ranch now the same as you would have been if you had retained the title?

Mr. BURT. Yes.

Senator ADAMS. Who is paying the taxes on it?

Mr. BURT. We are paying the taxes on it.

Senator NORBECK. Is that a 5-year lease? Would you care to state what you got for that?

Mr. BURT. \$46,700.

Senator NORBECK. What are the improvements on the land fairly worth?

Mr. BURT. We thought the ranch and business was worth \$125,000; we were making the cattle pay in there.

Senator NORBECK. And you were were grazing on public lands adjoining; is that it?

Mr. BURT. Oh no; just the dude business.

Senator NORBECK. Oh, I see.

Mr. BURT. It has nothing to do with the ranch we have down here.

Mr. PICKETT. And your lease provides, of course, that if this project went into a park you could continue to operate the dude ranch?

Mr. BURT. Yes, sir. You see, that was the original idea of the whole thing, and the reason why that any of the ranchers that wanted to stay here, that were bought out and re-leased, was on account of what the Government had apparently told Mr. Chorley.

Mr. PICKETT. Now, during the progress of this project you acquired another piece of property within the area, didn't you?

Mr. BURT. Yes, sir; I did—I mean, I bought that land. I had been hunting for it for years, because I am a writer and wanted to get out of the dude business, and I looked all over the country for a ranch that I wanted, and I got that ranch, not having the vaguest idea that it came out of the map of the Snake River Land Co. I paid Mr. Snell \$2,500 for it, and I sold it back to the Snake River Land Co.—I sold it back to them for what I got for it. Within about a week or two after that Mr. Chorley and Mr. Fabian came in and showed me their maps, and I sold it back to them for what I paid for it.

Senator NORBECK. How much land?

Mr. BURT. It was 140 acres—\$2,500 I paid Mr. Snell.

Mr. PICKETT. Did you acquire a lease back?

Mr. BURT. Yes; we did.

Mr. PICKETT. What is that?

Mr. BURT. We pay rental on that, and pay taxes.

Mr. PICKETT. For how long is that?

Mr. BURT. Fifty years. I own the land, I have a deed from Mr. Snell.

Senator CAREY. Are you correct as to the 50 years?

Mr. BURT. I think so.

Senator CAREY. Didn't you tell me once that the leases ran as long as people, who had houses up there, lived there?

Mr. BURT. I do not think so; no, I did not say the re-lease.

Senator CAREY. I think you told me that.

Mr. BURT. It is 50 years.

Mr. PICKETT. You would be allowed to live in that area, if it became a park, for 50 years, if you live that long?

Mr. BURT. Yes, sir; as long as I was not a nuisance. We are not allowed to conduct anything on that ranch. We cannot even have a friend out, and they cannot even pay us a dollar—that is in the lease.

Mr. PICKETT. Is there someone else interested in that lease with you?

Mr. BURT. Mr. Bascomb was, and Mrs. Bascomb, and Mrs. Reid.

Mr. PICKETT. Are they eastern people?

Mr. BURT. Yes. Both Mr. Bascomb and Mrs. Reid came in under the same condition, when I bought that. They knew nothing of the Snake River Land Co. map going up Pacific Creek, and they got a ranch together, and they discovered later it was in their plot, and we sold it back to them.

Mr. PICKETT. Mr. Reid is manager of the Saturday Evening Post?

Mr. BURT. Business manager; yes, sir. He has been out to our dude ranch for 3 or 4 years.

Mr. PICKETT. Subsequent to that time you have written and had published several articles in the Saturday Evening Post in regard to this project?

Mr. BURT. No, sir.

Mr. PICKETT. In any current magazine?

Mr. BURT. No, sir.

Mr. PICKETT. Did I understand you to say you had not written any articles in connection with this?

Mr. BURT. I cannot remember of this; to the Jackson Hole Courier I wrote one or two letters.

Mr. PICKETT. I notice that, in some of the correspondence, Mr. Burt, you wrote several letters in which you thought it was very important to the success of the Snake River Land Co. and the project that this paper be acquired by them?

Mr. BURT. I did; yes, sir.

Mr. PICKETT. What was the reason for that?

Mr. BURT. Mr. Simpson's paper.

Mr. PICKETT. That was before Simpson came in here, wasn't it?

Mr. BURT. It may have been. At the end I know there was a mortgage sale held on the Jackson Hole Courier by several gentlemen who were very inimical to this plan. I felt sure that if the paper was acquired—

Mr. PICKETT. It would put an end to their opposition?

Mr. BURT. No, sir; not to their opposition. It would give their opposition a newspaper.

MR. PICKETT. Do you know whether or not the paper was ever purchased by the Snake River Land Co. or by any of its agents?

MR. BURT. No, sir; the biggest stockholder is Mrs. Reid over here, who has nothing to do with the Snake River Land Co. She is a friend of mine; I am afraid I persuaded her to invest.

MR. PICKETT. Are you familiar in any way—

MR. BURT. As a matter of fact, Mr. Pickett, I was foolish enough to ask the Snake River Land Co. if they would buy that newspaper, and they were wise enough to say of course they would not.

MR. PICKETT. They said they would buy it if you became the editor?

MR. BURT. No, sir; they did not say that. They told me to go ahead and buy it myself.

MR. PICKETT. Are you familiar with the deal of Henry Stewart in connection with the paper?

MR. BURT. Yes, sir; I know it very well.

MR. PICKETT. I understand that he advanced \$3,000 to keep the paper from being sold under foreclosure?

MR. BURT. Yes, sir; but, if I remember it, it was some while before he ever knew he was going to sell his place. Mr. Stewart was the prime mover in the purchase of the paper, he was very much worried about it, he felt it would be dangerous if it went out of their hands, if this paper did. He assured me—he asked me if I could lay my hands on some money, and I am sorry to say that Mrs. Reid's son was almost the first person I saw.

SENATOR ASHURST. Dangerous to whom?

MR. BURT. Dangerous to our ideas, sir.

MR. PICKETT. Do you know whether or not that \$3,000 was to be paid and considered in the consideration of the sale of this ranch to the Snake River Land Co.?

MR. BURT. I do not see how it could be. I know he acquired a large sum of money—I know he was very anxious to sell his ranch, and sold it, but, if I remember it, all of this paper stuff, I did not see him after he sold his ranch. I did not hear of the sale of his ranch until that winter.

MR. PICKETT. You did not know anything about that?

MR. BURT. No, sir; not about that.

MR. PICKETT. I do not believe I have any further questions at this time.

SENATOR ADAMS. Mr. Burt, there is one thing in connection with this—are there two independent administrative units maintained to operate the Yellowstone Park and the Teton National Park?

MR. BURT. Oh, yes, sir; absolutely.

SENATOR ADAMS. They are 10 or 12 miles apart, and they have two entirely distinct administrative units for the two parks?

MR. BURT. Yes; Senator Kendrick is the father of this Teton Park, and he was at all of the meetings, and so was Senator Nye, and that was one of the principal things, that this park would have no connection with Yellowstone Park whatsoever.

SENATOR ADAMS. Do you think that that additional expense is justified, in your judgment?

MR. BURT. Yes, sir; I do.

SENATOR ADAMS. Why?

MR. BURT. In the first place, it lends this park a peculiar distinction of its own and, in the second place, Yellowstone is almost big

enough as it is, in three States, and I do not think we would have ever gotten this park if Senator Kendrick would have permitted it as a part of Yellowstone, and one administration would have been extremely difficult.

Chairman NYE. Is that the meaning, Senator?

Senator ADAMS. It is a matter of curiosity on my part as to why two big pieces of Government property should be so close together and have two entirely distinct administrative units, both devoted to the same purpose.

Mr. BURT. Mr. Woodring is here, of the Grand Teton National Park, sir, and he could probably explain that, however, better than I could, sir.

Chairman NYE. The matter was quite local, and I think I tread upon no toes when I say there was some little jealousy involved, the people of Wyoming feeling that Yellowstone National Park was not a Wyoming park, it having been created before the State was created, and these Grand Tetons, as grand as they are, were the pride of the people of Wyoming, and it is a pride to them today, as I understand it, and they deem it and consider it a strictly Wyoming park.

Mr. BURT. I think that is absolutely correct, and, if I may make a correction, there has always been a great deal of feeling against Yellowstone in Wyoming; why, I do not know especially.

Senator ADAMS. Are you familiar with the letters of Mr. Vanderbilt Webb in regard to this situation?

Mr. BURT. No, sir; I am not familiar with that. I have not read that letter—I have read Mr. Albright's letter, and that was about 4 days ago; I just saw this booklet about 4 days ago.

Chairman NYE. You understand, of course, that these letters were published in the local paper?

Mr. BURT. Yes, sir.

Chairman NYE. You did not see these letters?

Mr. BURT. I saw Mr. Albright's letters.

Senator ADAMS. The reason for inquiring, did you read Mr. Webb's letters containing a series of conditions and stipulations upon which this property was to be turned over to the Government, and I was going to ask you if you were familiar with that, as to whether or not this Snake River Land Co. would refuse to turn over this land in the event there was a failure to comply as to either of those conditions?

Mr. BURT. Yes, sir; they would, just from casual conversation, I think, because there has been all kinds of fierce and vituperative feeling engendered in here, and I think Mr. Rockefeller feels very strongly, too.

Senator ADAMS. In there is the provision that the United States Government is to reimburse Teton County as to loss of taxes due to the removal of this property from the tax rolls; did Mr. Rockefeller mean that to be done in perpetuity before he turned it over?

Mr. BURT. No; I did not see that.

Senator ADAMS. There are provisions in here with reference to how it is to be administered; it specifies that the Government is to transfer land in the area, which is now administered by the Forest Service, and that the Government is to match the cost of the lands donated. I am simply wondering what will happen if the lands are gathered up and these conditions are not met.

Mr. BURT. I suppose they would have to round out the territory in a certain way, but I do not know.

Senator NORBECK. May I ask counsel, what is the provision with regard to taxes—you are familiar with that?

Mr. PICKETT. Only with the letter.

Senator NORBECK. Doesn't the letter indicate that the Government should pay the taxes to the county, as a condition?

Mr. BURT. Yes.

Senator NORBECK. So the county will not lose any money by reason of the Government acquiring that property?

Mr. PICKETT. The county is to be reimbursed, but it does not say for how long.

Mr. BURT. By the Government?

Mr. PICKETT. Yes.

Senator NORBECK. Did it provide that the ranchman was to pay the first year's taxes himself?

Mr. PICKETT. I am not familiar with the provisions of any proposition Mr. Rockefeller has made except as to this letter.

Senator ADAMS. There is a series of numbered paragraphs, and no. 8 reads "that the United States Government is to provide for the reimbursement of Teton County for loss of taxes due to taxable property being removed from the tax rolls". For instance, another clause, no. 3, says, "all unappropriated public domain and all school sections in such area is to be turned over to the National Park Service". I apprehend there may be some difficulty.

Mr. PICKETT. I might say that Mr. Burt is not an official of the company, Senator.

Senator ADAMS. I understand that, but I am asking him because he seems to be familiar, and seems to be the man who was looking at the thing from a rather interested standpoint.

Mr. BURT. I understand the latter clause, Senator, is that Mr. Rockefeller has been forced to buy private assorted holdings, which were independent tracts, and, from the very beginning, it has been a question of whether the State of Wyoming or the United States Government would appropriate certain lands to make one self-contained tract, but as far as Jackson is concerned I always understood that the Snake River Land Co. was to reimburse the county until such time as the county could make it up from other values.

Senator ADAMS. But suppose the land was turned over to the Government?

Mr. BURT. I know the Snake River Land Co. could not.

Senator ADAMS. The letter I read was from Mr. Webb, president of the Snake River Land Co.

Senator CAREY. It would take an appropriation from Congress each year, wouldn't it?

Chairman NYE. It seems to me that that provision arose out of the argument that has prevailed in the creation of a larger area for the park, that such creation would occasion a loss to the county by reason of the withdrawal of lands which are now being taxed, and if, therefore, there was any controversy as to whether or not the county should be reimbursed, that matter was one that would have to be settled between the Federal Government and the Park Service and the county itself, rather than between Rockefeller and the county.

Mr. BURT. Yes, sir.

Chairman NYE. You have two ranches now within that area?

Mr. BURT. Yes, sir.

Chairman NYE. And you have dude ranch rights on each of them?

Mr. BURT. No, sir; on one only; the one on Pacific Creek is absolutely noncommercial in any shape, manner, or form.

Chairman NYE. What are you using it for?

Mr. BURT. Just to live on.

Chairman NYE. You are living there?

Mr. BURT. Yes, sir.

Chairman NYE. Do you have the privilege, under the lease, of selling whatever rights you have there to another?

Mr. BURT. No, sir.

Chairman NYE. On the ranch where you are operating the dude ranch, do you have any rights in the matter of sale under that lease?

Mr. BURT. Not except the business; we can sell the business, or the personal property.

Chairman NYE. You can sell to another the right to go in there and succeed you in the conduct of that business?

Mr. BURT. Only the business; I mean, we could sell the business if anyone wants to buy it.

Senator CAREY. But you are a corporation?

Mr. BURT. Yes, sir.

Senator CAREY. You can sell the stock in the corporation?

Mr. BURT. Yes; but not the business.

Senator CAREY. You mean, they would have to carry on the same kind of a business?

Mr. BURT. We would have to explain to that man that he was not buying my land, but that he was buying nothing but the business on the land.

Senator CAREY. He would really buy the lease if you sold him the stock in the corporation?

Mr. BURT. Yes; I suppose so.

Mr. PICKETT. Has anyone else in this project dude-ranching rights?

Mr. BURT. Yes; quite a few. Mr. Hammond has, Mr. Corpey—I do not know whether any other outfits than that; the White Grass.

Mr. PICKETT. Where is that?

Mr. BURT. The White Grass is located in the Grand Teton National Park, and the Corpey ranch, if I am not mistaken, right outside of the line—it may be just inside of the line. There are a number of people still in that section—Mrs. Lucas, Mr. Sensenbach, Mr. Gabbey, Mr. Shawbacher, Mr. Braman; there must be ten or twelve people up there; and the Double Diamond, that is another dude ranch.

Senator CAREY. Have they sold out to the Snake River Land Co.?

Mr. BURT. Yes, sir.

Senator CAREY. Are part of these in the Grand Teton National Park?

Mr. BURT. Yes, sir.

Senator CAREY. They had their rights when the park was created?

Mr. BURT. Yes, sir.

Senator CAREY. They had not leased it back to any of these people?

Mr. BURT. They have not sold, but it has been offered to them, if I am not mistaken, that they can lease back?

Senator ADAMS. May I ask you—this is bothering me a little, Mr. Pickett—as I understand, the Snake River Land Co. is buying up these properties in the view of ultimately turning them over to the

Federal Government for some public purpose; now, in what what could that be prevented? That is, there are protests against it, but supposing the Snake River Land Co. proceeded to buy and deeded it back. By what process is it expected, by those opposing it, could it be stopped?

Mr. PICKETT. I have not been in the law business long enough to know how to prevent a man from buying if the other man agreed to sell. You mean, to prevent the acceptance by the Government?

Senator ADAMS. No; I gather there is a controversy here over the situation. My only inquiry, of course, is what form it would take. The committee usually makes a recommendation for the purpose of proposing legislation, but suppose the committee should think this should not be done. Suppose they accept that view of it?

Mr. PICKETT. That would be one of the conclusions.

Senator ADAMS. What type of legislation would be available?

Mr. PICKETT. There would be no legislation, I would say, then.

Chairman NYE. Of course the acceptance of this property by the Government would have to be by Congress.

Mr. PICKETT. Yes.

Chairman NYE. So the committee could recommend against the acquiring of this land, if it was offered to the Government.

Mr. PICKETT. Yes; that is my understanding. Is that what you meant, Senator Adams?

Senator ADAMS. It is purely an honest inquiry; I want to find out.

Senator NORBECK. I think we are trying to find out what this inquiry is for, and what it is about. I think the Senator is in the same fix as I am.

Mr. PICKETT. No doubt it would take an act of Congress to accept Rockefeller's offer, if he makes one, and if he makes an offer and the committee advises against the acceptance of it I take it there would be no legislation.

Chairman NYE. Of course there is another matter involved, Senator Adams. There is a contention that unfair methods had been resorted to in dealing with homesteaders and those who were trying to acquire lands in this area, which, of course, is a matter in which Congress has a right and a duty to interest itself.

Mr. PICKETT. This witness was used principally for the purpose of getting at the history of the project, so that we will have some background to it and to where it began.

Chairman NYE. Had you quite finished with the witness?

Mr. PICKETT. Yes, sir.

Chairman NYE. Coming down to the matter more recently mentioned, are you aware of any unfair methods that have been restored to, Mr. Burt—

Mr. BURT. No, sir.

Chairman NYE. By the Rockefeller Foundation or the Snake River Land Co. or the Park Service in acquiring any of these lands?

Mr. BURT. No, sir; absolutely, I am not. In every case in which I have known of any sale the people, I believe, have been anxious to sell, and in many cases the Snake River Land Co. has paid them considerably more than their land is worth, and I know of one or two cases where they have come in and saved people from trouble. I know of one case where they saved an unfortunate young lady from the penitentiary by buying land that was not worth anything.

Senator ADAMS. That is an unusual situation.

Mr. BURT. It is an unusual situation.

Senator ASHURST. How do you explain that?

Mr. BURT. There is a good idea of it privately, Senator; that is all. I have not known of any case. Three or 4 years ago I came in here early in the spring, and I did hear that there had been a rumor that somebody had been spreading a report that the Government, if they did not buy, would use the right of eminent domain. I know I was very indignant, and so was Mr. Woodring and various other people interested in this project, but who was spreading the report I do not know. I was never able to find out. I am not aware of all of the details of this sale.

Chairman NYE. An actual sale was made by yourself to the Snake River Land Co.

Mr. BURT. Yes, sir.

Chairman NYE. Was any advantage taken to force that deal, or force you to sell?

Mr. BURT. No, sir; none except that they told me—these gentlemen have become intimate friends of mine, Mr. Webb and Mr. Chorley—and they argued with me, as with any intimate friend, and told me me that I was morally obligated to sell, and I thought I was—I was between the devil and the deep blue sea. I had a young partner, who had paid \$35,000 for this land of mine, and I was morally obligated to him, but that is all the pressure that was put upon me.

Senator ADAMS. I want to ask Mr. Pickett, or the chairman of the Judiciary Committee, one question: This land, such as Mr. Burt held, was privately owned land?

Mr. PICKETT. Yes, sir.

Senator ADAMS. And the methods of transfer are controlled by the laws of the State of Wyoming, rather than by the laws of the United States?

Mr. PICKETT. Yes, sir.

Senator ADAMS. If, for instance, there was duress or pressure of some kind to force you, Mr. Burt, or somebody else, to sell, what has the Federal Government to do with it? Is it not a matter that would have to come to the district attorney or the State courts?

Mr. BURT. I do not know, sir; I am not a lawyer.

Mr. PICKETT. If there was an attempt to cancel the lease, or the transfer, it naturally would have to go to the State courts.

Senator ADAMS. If any duress, menace, or fraud, or failures of the parties to have their minds meet on the transaction, or a failure of consideration took place, of course the State courts of Wyoming would undoubtedly declare that sale to be void, if any menace, fraud, or duress were used?

Senator CAREY. The Snake River Land Co. is a foreign corporation, and it may properly be taken into the United States court.

Senator ASHURST. That may be.

Senator CAREY. It is a Utah corporation.

Senator ASHURST. Are they not organized under the laws of Wyoming?

Senator CAREY. No; Utah.

Senator ASHURST. It may be, as the Senator from Wyoming says, that there is the question of diversity of citizenship.

Senator ADAMS. It would still be a matter of State law?

Senator ASHURST. The rule of evidence of the State of Wyoming would prevail.

Chairman NYE. If any of your contacts with the Park Service or the Snake River Land Co., or any one else, has there been any discussion of what would amount to a monopoly of the dude-ranch rights in this territory?

Mr. BURT. No, sir.

Chairman NYE. Have you been given any assurances that if you would cooperate others would be prevented from establishing dude ranches in that territory?

Mr. BURT. No, sir; not a word.

Senator ASHURST. I want to ascertain if Mr. Burt knows how much land has been acquired by this company.

Mr. BURT. I could not give it accurately, I think about 40,000 acres.

Senator ASHURST. Is the legal title, vested in this particular company, and is the land assessed in their name and carried on the tax rolls of the county in their name?

Mr. BURT. I think so, yes.

Senator ASHURST. Have they paid the taxes on it?

Mr. BURT. Yes, sir; I think so.

Chairman NYE. Senator Ashurst, Mr. Fabian will be here and will be heard, and will answer you directly.

Mr. PICKETT. Mr. Burt, if you thought your ranch was worth \$125,000, why did you agree to sell it for \$46,000?

Mr. BURT. Because they agreed to let us retain the business. I think that was in the correspondence I had with Mr. Webb. I mean, Mr. Stewart and Mr. Sheffield sold for a very much larger sum and they sold completely and absolutely, but we retained our business, and that is the reason why we had to accept their compromising sum of money.

Senator NORBECK. In other words, the chief value was not the land, but in the business?

Mr. BURT. Yes, sir.

Senator NORBECK. And you retained the business?

Mr. BURT. Yes, sir; we retained the business.

Senator CAREY. Mr. Burt, were you present at the meeting at the JY Ranch when the subcommittee of this committee was out here, when the question of the creation of Teton National Park was discussed?

Mr. BURT. Yes, sir.

Senator CAREY. Do you recall whether Senator Kendrick was there?

Mr. BURT. Yes, sir.

Senator CAREY. Do you recall any agreement being reached as to the boundaries of the park at that meeting?

Mr. BURT. No, sir; I do not, I never understood that, because, if I am not mistaken, this other idea was going along at the same time. And I do not see how the agreement could have been—I know I have heard Senator Kendrick say that.

Senator CAREY. Senator Kendrick has stated that several times.

Mr. BURT. Yes, I know he has.

Senator CAREY. So there was a distinct understanding at that meeting that that would be the end of the park extension?

Mr. BURT. I do not remember that, Senator Carey; it may very well be, that that happened, but I do not remember it.

Senator CAREY. Do you remember whether the Rockefeller purchases were discussed at that time?

Mr. BURT. I do not remember that at all, Senator.

Senator CAREY. They were going on at that time?

Mr. BURT. Yes, they were; that is, I do not know whether the purchases were going on, but I know the idea was going on. I am not very good at dates.

Senator CAREY. I am not, either, but my recollection is that they were going on.

Mr. BURT. I think the purchases were, yes.

Senator CAREY. I do not know whether, in your testimony, you referred to just the west side of the river, or both sides. You referred to the whole area, but you said there had been no cattle ranches in there that amounted to anything.

Mr. BURT. I don't think there was any that amounted to anything, except Cy Ferrin and the Hatchet.

Senator CAREY. Had Mr. Ferrin operated his ranch successfully, or not?

Mr. BURT. Mr. Ferrin is here.

Senator CAREY. Well, we will ask him.

Mr. BURT. He is a great cattleman.

Senator CAREY. I have been out with him, and he has a great many cattle.

Mr. BURT. But whether he operated financially successfully or not, I do not know.

Senator CAREY. But he operated, and he has a rather large outfit?

Mr. BURT. Yes, sir.

Senator CAREY. And so did the Hatchet?

Mr. BURT. Yes, sir; but whether it is a financial success or not, I do not know.

Senator ASHURST. I think you were present on probably the Monday morning, the 23d day of July 1928, at the JY Ranch. I have a faint impression that there was an agreement on all sides that there would be no hotels, no roads, or any concession allowed in the new Grand Teton National Park.

Mr. BURT. I know there was no hotel, or any permanent tourist place, you know, but I do not remember the exact wording. Mr. Deloney is here and might remember, and several other gentlemen from Jackson were present.

Senator NORBECK. And that was a part of the law.

Chairman NYE. Yes, that was incorporated in the law.

Senator CAREY. I do not think the road part came into it.

Senator ASHURST. Then there is no controversy about that. They have lived within the law, and have put in no hotels?

Senator CAREY. That is right.

Chairman NYE. Are there any further questions? Is there anything further, Mr. Pickett, or are you ready to excuse the witness?

Mr. PICKETT. Yes, sir.

Chairman NYE. You will be excused, Mr. Burt, but I hope, however, you will hold yourself in readiness if the committee wishes you to come back and to ask you more questions.

(Witness excused.)

Mr. PICKETT. Is Mr. Eynon or Mr. Jones present?

Mr. WINGER. Mr. Jones is ill and cannot be here.

TESTIMONY OF J. L. EYNON

Mr. PICKETT. What is your name?

Mr. EYNON. J. L. Eynon.

Mr. PICKETT. You have lived here in the Jackson Hole country for a good many years, Mr. Eynon?

Mr. EYNON. Yes, sir.

Chairman NYE. How long, Mr. Eynon?

Mr. EYNON. About 25 years.

Mr. PICKETT. You have formerly owned a ranch in Jackson Hole community?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Where was your ranch?

Mr. EYNON. Up on Spread Creek.

Mr. PICKETT. That is northeast of here?

Mr. EYNON. Yes, sir.

Mr. PICKETT. About how far, Mr. Eynon?

Mr. EYNON. Twenty-five miles, the way the road goes now.

Mr. PICKETT. Do you recall a meeting which you attended at Menor's Ferry in 1923?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Do you recall the date of that, Mr. Eynon?

Mr. EYNON. No, I don't.

Mr. PICKETT. During the summer?

Mr. EYNON. I think it was.

Mr. PICKETT. Do you recall who was present?

Mr. EYNON. Struthers Burt, Dr. Carncross, J. R. Jones, Dr. Winger, Mr. Albright, and myself.

Mr. PICKETT. Do you recall at whose instance that meeting was called?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Whose?

Mr. EYNON. I think that Mr. Burt first talked of this meeting, I am not right sure about that, but it was talked among Mr. Winger, myself and Jones at first here, and I think we arranged with Mr. Burt to have a meeting, and he arranged for Albright to be present at this meeting.

Mr. PICKETT. What was the purpose of that meeting?

Mr. EYNON. Well, it was to discuss the proposition of a game area being set aside, to be administered through some department of the Government, and administered as a wilderness area for the protection of game, and a lot of it was for the selling of their ranches.

Mr. PICKETT. The selling of your ranch?

Mr. EYNON. I wanted to sell; yes, sir.

Mr. PICKETT. State what was done at that meeting, and what was agreed upon.

Mr. EYNON. Well, I don't know that there was very much agreed upon—the proposition of getting some eastern capital, some men that was financially able to finance the project, to buy this territory up here and use it as a game area.

Senator ASHURST. To use it for yourselves as a game area, or for the public benefit?

Mr. EYNON. For the public benefit; yes, sir.

Mr. PICKETT. You mentioned, Mr. Eynon, you had in mind the preservation of this country in a wilderness state. What do you mean by a "wilderness state"?

Mr. EYNON. Preserving it as it is now and also preserving the game animals that are in that area.

Mr. PICKETT. Are there many game animals in that area?

Mr. EYNON. Quite a lot; yes, sir.

Mr. PICKETT. What are in there?

Mr. EYNON. There is elk, moose, deer, and lots of kinds of fur-bearing animals, that we have in this area.

Senator CAREY. What area are you referring to now? When you had this meeting—when was it?

Mr. PICKETT. 1923.

Senator CAREY. What area did you have in mind?

Mr. EYNON. Well, you can include the area from Grovont north or on the east side of the Teton National Park up here, I have in mind.

Senator CAREY. You do or did not have in mind the west side, then?

Mr. EYNON. No, I don't think so. There was a good deal of talk of the Teton National Park at that time—or was the Teton Park created at that time?

Senator CAREY. It was after that.

Mr. EYNON. Well, there was talk of creating the park, and this idea was to have the area in connection with the park to protect the game animals.

Senator CAREY. How much of that area is used by elk?

Mr. EYNON. Well, there is a good deal of it. It is used in the fall of the year when they come down, and go back in the spring. They work up in the spring all over that area.

Senator CAREY. They go back and forth across it?

Mr. EYNON. Yes.

Senator CAREY. There is hardly any of that area that is of any value for winter feed?

Mr. EYNON. No; very little of it.

Senator CAREY. I mean, it would not preserve the elk herd, the accretion of that herd?

Mr. EYNON. No. I think some will range on the ridges. I have known elk to winter on the ridges through that area, but it could not take care of the whole herd.

Mr. PICKETT. Then the main interest of you people at that time, you say, was to sell the ranches?

Mr. EYNON. That was my ranches, one of the interests I had, because I had discovered I could not make a go of it at ranching.

Mr. PICKETT. You were not so interested in the preservation of the wilderness as you were to sell your ranch?

Mr. EYNON. I was interested in both of them, because I was in the "dude" business and I discovered this was a better country for the dude business than the stock business—they are easier wintered.

Chairman NYE. I am glad to get some satisfaction. I have been wondering all along why a country that would not support cattle would support dudes.

Mr. PICKETT. I understand that after that meeting you men set out to raise some money to interest some people in the project; do you know how much money was raised and how it was raised?

Mr. EYNON. We did not raise any money; you are referring to Winger and myself?

Mr. PICKETT. Following this meeting at Menor's Ferry.

Mr. EYNON. Well, there was no money raised at that time for furtherance of the project.

Mr. PICKETT. I mean, to send you men east.

Mr. EYNON. I do not just remember how much. They paid our expenses, though, different ones.

Chairman NYE. Who joined in meeting that expense?

Mr. EYNON. Well, I can name a few, but not all of them. I think Struthers Burt paid some, J. R. Jones paid some, Hal Evarts, and several of them some.

Senator NORBECK. Did you pay some?

Mr. EYNON. I put up my time.

Senator NORBECK. But no cash?

Mr. EYNON. No, sir.

Mr. PICKETT. You went east then?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Was this matter kept secret?

Mr. EYNON. Well, it was not published; we did not have anything to publish.

Mr. PICKETT. I understand you kept your bank account in Newton, Iowa, or some town over there. What was the purpose of that?

Mr. EYNON. I never kept no bank account there.

Mr. PICKETT. I mean, this particular fund.

Mr. EYNON. I think probably Mr. Winger, after we got back there, got some of these subscriptions, because his father was there, and I think he put that money in that bank because he was acquainted in that town. I do not know that he had an account there, but he cashed some checks there, I think.

Mr. PICKETT. Did you accomplish anything as a result of this?

Mr. EYNON. No, sir.

Mr. PICKETT. Why was Mr. Albright called down?

Mr. EYNON. Why was he what?

Mr. PICKETT. Why was Mr. Albright called down to this meeting?

Mr. EYNON. Well, we wanted to sell the—he was in the business, and we wanted to talk with him.

Mr. PICKETT. Did you have in mind the creation of a national park?

Mr. EYNON. No, I do not know that we had in mind a national park. We had in mind a park of some kind to protect the game and make a little different park, than we are used to, of some kind.

Mr. PICKETT. Will you point out on the map just about what you had in mind as the project?

Mr. EYNON. At the time we had no lines drawn; we just talked of the country in general.

Mr. PICKETT. Did you mean all of the Jackson Hole or just the north part of it?

Mr. EYNON. We meant the north part of it.

Mr. PICKETT. How wide is that valley up there, that you had in mind, approximately?

Mr. EYNON. Well, you mean from the one base of the mountains to the other?

Mr. PICKETT. Yes.

Mr. EYNON. I would say it is about 10 miles wide.

Mr. PICKETT. Isn't substantially all of that area sagebrush?

Mr. EYNON. What?

Mr. PICKETT. Isn't substantially all of that area sagebrush?

Mr. EYNON. No, there is a lot of timber in that area; the river runs through it, and several streams, and river bottoms.

Mr. PICKETT. No elk stay in there in the summer?

Mr. EYNON. Yes, a few.

Mr. PICKETT. Down on the river?

Mr. EYNON. Yes, along the river bottoms, and some in the foot-hills.

Mr. PICKETT. You are familiar with the elk in this country, are you?

Mr. EYNON. Yes, sir.

Mr. PICKETT. And they come down in the fall when driven down by snow?

Mr. EYNON. Yes, sir.

Mr. PICKETT. And that area has no value as winter feeding grounds?

Mr. EYNON. Not very much—some of it. I have seen elk winter up there on the ridges, some of them.

Mr. PICKETT. But, ordinarily, you have to feed the elk like you do cattle?

Mr. EYNON. Yes, you feed them when they come down here.

Mr. PICKETT. And you feed them about like cattle?

Mr. EYNON. Yes.

Mr. PICKETT. Haul the hay out in the fields for them?

Mr. EYNON. Yes, sir.

Mr. PICKETT. About how long do they stay there in the winter?

Mr. EYNON. They usually come down from the 15th of November to the first of December, it depends on the season and the amount of snow that falls, and they stay all winter, as long as they are fed, until the spring breaks up and they work back.

Mr. PICKETT. Did you say you operate a dude-ranching place?

Mr. EYNON. No, I handle hunting parties quite a lot.

Mr. PICKETT. Did you eventually sell to the Snake River Land Co.?

Mr. EYNON. Yes, sir.

Mr. PICKETT. When did you sell?

Mr. EYNON. I think I sold in 1931.

Mr. PICKETT. Did you deliver possession of your ranch to them?

Mr. EYNON. At that time?

Mr. PICKETT. Yes.

Mr. EYNON. No, I stayed there a year.

Mr. PICKETT. Were you given the right to continue to operate as you did before?

Mr. EYNON. Yes, sir.

Mr. PICKETT. And are you operating there now?

Mr. EYNON. No, sir. I had the use of it 2 years, but I stayed there 1 year, and then my son stayed there a year, and we paid the taxes on the place for the use of it.

Mr. PICKETT. Did you have a written lease for any extended term of years?

Mr. EYNON. No, sir.

Chairman NYE. Did you ask for a lease upon it?

Mr. EYNON. No, sir.

Mr. PICKETT. Where do you live now?

Mr. EYNON. I live in Idaho; Blackfoot, Idaho.

Mr. PICKETT. During the time that you were living there and before you sold, did you have any disagreements with any of the agents of the Snake River Land Co. in connection with your sale?

Mr. EYNON. No, sir.

Mr. PICKETT. You had been trying to sell to them throughout the time that the project had been in progress?

Mr. EYNON. Yes, sir; my place was put up for sale.

Mr. PICKETT. And you could not agree on a price?

Mr. EYNON. They did not figure that they could give me what I asked for my place for quite a while.

Mr. PICKETT. Did you finally get what you asked?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Now, during the time that you lived there, before you sold, did you have any trouble in connection with a mail route through your place?

Mr. EYNON. No.

Mr. PICKETT. Was it discontinued?

Mr. EYNON. Yes, sir.

Mr. PICKETT. For how long?

Mr. EYNON. One season, I think, that they left this east side of the river, and I already asked—I did ask, I wrote to Senator Kendrick and Congressman Carter, who was in at that time—yes, I wrote them and told them about the mail route being changed, it was being changed up the west side of the river, and asked that it be put back, either make the circle around or put back on the east side where it always run.

Mr. PICKETT. Did anybody live there on that mail route, besides you, who had not sold to the Snake River Land Co.?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Who?

Mr. EYNON. Well, there is my son lived there, Fred Topping, Don Miller, Charles Clarke, Mrs. Wolfe—none of them had sold, and some was still there that had sold. Mr. Faits lived there on that route.

Mr. PICKETT. Mr. Faits has not sold, has he?

Mr. EYNON. No, sir.

Mr. PICKETT. Who was there that had sold?

Mr. EYNON. The Elk Ranch had several people on there, and Mr. Turner; I do not just remember all of them.

Mr. PICKETT. Did you consult anybody about the discontinuance of this mail route, except your correspondence with Mr. Carter and Senator Kendrick?

Mr. EYNON. I do not know that I did, I don't remember; I may have talked to someone about it.

Mr. PICKETT. Did you ever talk to Winger about it?

Mr. EYNON. I do not think so.

Mr. PICKETT. Do you know at whose instance the mail route was discontinued?

Mr. EYNON. No, sir.

Mr. PICKETT. You never talked to anyone about that?

Mr. EYNON. No; I do not believe that I did. I know it was laid to people by talking through the country. Some of them thought the Jackson people were instrumental in taking the mail route away from us, and different ones, but I did find out afterward why it was taken away. I can tell you that.

Mr. PICKETT. We would like to know.

Mr. EYNON. There was a route inspector came out here, and he went over the route in the night with Mr. Lovejoy, from Jackson, and he told me afterward he had told him that we had all sold out up there and there was no use having a mail route on that side, and he went over the route in the night, and I guess the road felt pretty rough to him and he decided the other side was the place for it. After a while Senator Kendrick asked that they send a man out here to give us an impartial investigation on that route. They sent the same fellow that made the first report on it. He came out here and I talked with him, and he asked me, "Will you write to the Second Assistant Postmaster General and tell him we have agreed on this proposition?" I said, "After I hear your report, I will." I said, "You have sent in one report and they sent you out here to verify it, and", I said, "You will do that." After a while I learned he made a copy of his old report.

Mr. PICKETT. Was that inspector named Blake, do you know?

Mr. EYNON. I have forgotten his name.

Mr. PICKETT. Do you know where he was from?

Mr. EYNON. No; I don't; I have forgotten what his name was.

Mr. PICKETT. After that was the route reestablished?

Mr. EYNON. I do not think it was, very long, probably 2 or 3 months.

Mr. PICKETT. Do you know at whose instance he came to inspect that route originally?

Mr. EYNON. The first time?

Mr. PICKETT. Yes.

Mr. EYNON. No, I don't.

Mr. PICKETT. Now, Mr. Eynon, I would like to have you tell the committee just your opinion or your judgment what benefit the territory included in this project would be to the maintenance of the scenic area of this community and the preservation of the wild game.

Mr. EYNON. Well, I think if it was created according to the Jackson Hole plan it would be a different park than we have anywhere else that I know anything about, and after a while it would not take long until the game animals are down in the valley. All of us who have studied the game question know the elk is a plains animal, and they like the flats, rather than the mountains, and it would be an attraction to bring tourists into the country, and I think the tourist business in Wyoming is one of the best assets the State has. They claim it is, but I haven't any figures on it. I imagine this would be a great thing for the State of Wyoming, and a better thing for Jackson Hole, and I believe a great thing for the Nation.

Mr. PICKETT. Do you believe those elk would stay on the flats north of Black Tail Butte in the summertime?

Mr. EYNON. Yes; if not molested they would run in all of these foothills.

Mr. PICKETT. What would they live on?

Mr. EYNON. There is plenty of grass in the summer.

Mr. PICKETT. Do any cattle range in there?

Mr. EYNON. Yes.

Mr. PICKETT. In the summer?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Is there any feed in there?

Mr. EYNON. It is not grass country, but the cattle run there sometimes. There is not water enough to make it a good range, but cattle can run there in reach of the streams.

Mr. PICKETT. Is there any wild life down in there?

Mr. EYNON. Well, there are some deer and some moose, yes.

Mr. PICKETT. Are they on the river?

Mr. EYNON. Moose usually run on the river.

Mr. PICKETT. Now, if the elk stayed down in here, if this was created and made such a condition as you state, would that interfere with the big game hunting?

Mr. EYNON. I do not see why it would. If the elk were protected and allowed to breed on this side of the line naturally some of them would go over the line into the open territory, and the more elk on this side the more would be apt to go on the other side, unless they were instructed just exactly where the park line was.

Mr. PICKETT. You have handled hunting parties a good many years?

Mr. EYNON. Yes.

Mr. PICKETT. You are familiar with the elk all over this section; don't they stay pretty well in Yellowstone, those that are there?

Mr. EYNON. No, I think there is more elk in the Teton Game Preserve than in Yellowstone.

Mr. PICKETT. They cannot be hunted there?

Mr. EYNON. No.

Senator NORBECK. Do the elk stay in the Yellowstone Park in the winter?

Mr. EYNON. I haven't been there in the winter; there may be some places where they do.

Senator NORBECK. But as a rule they do not—they come down in the fall?

Mr. EYNON. Yes.

Senator CAREY. All of the elk in this section have to winter around Jackson, except the Gros Ventre herd?

Mr. EYNON. There is a lot of elk wintering on different ridges; I have seen elk winter out there, not fed.

Senator CAREY. There is no winter range to support any more elk?

Mr. EYNON. There is no winter range to support any more elk than they have.

Senator CAREY. If you build up larger herds, you will have more elk die in the winter?

Mr. EYNON. Unless you prepare more winter range.

Senator CAREY. More hay, or feed?

Mr. EYNON. Hay or range. There is winter range in this valley.

Senator CAREY. Where would you get it?

Mr. EYNON. In these swamps north of Jackson.

Senator CAREY. You mean where the Winter bill covered?

Mr. EYNON. Yes.

Senator CAREY. Of course, if these ranches were out below here, that would be more open country?

Mr. EYNON. Yes.

Mr. PICKETT. Are you familiar with the limits of the area in the Winter bill?

Mr. EYNON. Not exactly; I know the territory but could not tell you the lines.

Mr. PICKETT. Is the State now, with the help of the Biological Survey farm, able to maintain the present elk herd in pretty good shape?

Mr. EYNON. Well, they maintain the part that comes down here; yes.

Mr. PICKETT. You think that the herd is large enough now to accommodate the use we have for them?

Mr. EYNON. Yes; if they can maintain the herd for us.

Mr. PICKETT. Do you know about the percentage of increase of elk?

Mr. EYNON. No; I don't. I have always thought that the elk was decreasing, but I think that the Forest Service has counted them and they found, according to their count, they are not decreasing.

Mr. PICKETT. Now, before you sold your ranch, were there any statements made to you by any agent of the Snake River Land Co. that if you did not sell it might be condemned and you would have to resort to the findings of appraisers?

Mr. EYNON. No, sir.

Mr. PICKETT. None whatever?

Mr. EYNON. None whatever.

Senator NORBECK. You spoke of part of the herd coming down this way; does that mean a large part of it?

Mr. EYNON. I think the largest herd comes this way, from Yellowstone.

Senator NORBECK. Would that comprise 40 or 60 percent of the total, do you think?

Mr. EYNON. It is more than 50 percent, because they call this the southern herd, and the other is the northern herd.

Senator NORBECK. The northern herd winters where?

Mr. EYNON. In Montana.

Chairman NYE. Mr. Eynon, was any advantage taken of you at the time an offer was made to purchase your lands?

Mr. EYNON. No, sir.

Chairman NYE. No pressure was brought to bear?

Mr. EYNON. No, sir.

Chairman NYE. To force you to sell?

Mr. EYNON. If there was any pressure, I put on the pressure.

Senator NORBECK. Would your ranch sell for more or less at this time?

Mr. EYNON. Sell for less.

Senator NORBECK. Much less?

Mr. EYNON. I would not give near what I got for it.

Mr. PICKETT. What are the school conditions out there now, Mr. Eynon?

Mr. EYNON. Well, they have a school there.

Mr. PICKETT. The same as they had before?

Mr. EYNON. In a little different location—the same school, called the Spread Creek School.

Mr. PICKETT. The school is available for the children in that community?

Mr. EYNON. Yes, sir.

Mr. PICKETT. I haven't anything else to ask.

Chairman NYE. Are there any further questions by members of the committee?

Senator ASHURST. How many acres did you sell?

Mr. EYNON. One hundred and sixty.

Senator ASHURST. For what price?

Mr. EYNON. \$12,000.

Senator ASHURST. Who pays the taxes now on that land?

Mr. EYNON. I don't know; I guess the Snake River Land Co.

Senator CAREY. Are the buildings still on the property, or have they been destroyed?

Mr. EYNON. They are there.

Senator CAREY. The fences are there?

Mr. EYNON. Yes, sir.

Senator ASHURST. How far is this town here from the ranch you sold?

Mr. EYNON. Twenty-five miles.

Senator ASHURST. You spoke about a post-office line, temporarily discontinued after a night ride by an agent—an inspector and another gentlemen—what were the two termini of the line; that is, from what point to what point?

Mr. EYNON. From Jackson to Moran.

Senator ASHURST. Through the little village we passed this afternoon?

Mr. EYNON. Yes. This route as established was on the west side.

Senator ASHURST. Did you say you never did learn why this post-office line was discontinued?

Mr. EYNON. Well, it was through the report of this inspector that it was a better route to travel on the west side, on account of the highway.

Senator ASHURST. How many people were served by that line?

Mr. EYNON. I think we had 16 boxes.

Senator ASHURST. How many miles?

Mr. EYNON. Forty-two from here to Moran by way of Elk and Grovont.

Senator CAREY. How many boxes are there on the other side?

Mr. EYNON. I don't know; probably 4 or 5 at that time.

Senator CAREY. That was operated, that line, in the winter, was it?

Mr. EYNON. No; I don't know that they ever did come up that side in the winter. I am not sure about that, whether they went one winter or not.

Senator ASHURST. Is that line now running—reestablished?

Mr. EYNON. It makes a circle.

Senator ASHURST. Are the people in that community now served by daily mail?

Mr. EYNON. Yes, sir.

Mr. PICKETT. Is there a mail route up the west side now?

Mr. EYNON. It is the same mail route; it goes up the west side and down the east side—makes a circle every day.

Chairman NYE. That is all. The committee thanks you.

(Witness excused.)

TESTIMONY OF R. E. MILLER

Mr. PICKETT. State your name.

Mr. MILLER. R. E. Miller.

Mr. PICKETT. You live in the Jackson Hole country, Mr. Miller?

Mr. MILLER. Yes, sir.

Mr. PICKETT. How long have you lived here?

Mr. MILLER. Since 1885.

Mr. PICKETT. What business are you in?

Mr. MILLER. Ranching.

Mr. PICKETT. Any other business?

Mr. MILLER. I am connected with the Jackson State Bank.

Mr. PICKETT. And have been in the ranching business in this community since 1885?

Mr. MILLER. Yes, sir.

Mr. PICKETT. You are familiar with the ranching conditions of the country?

Mr. MILLER. Yes, sir; I am.

Mr. PICKETT. You have also, I understand, served on the Elk Commission?

Mr. MILLER. Yes, sir.

Mr. PICKETT. By whom was that Commission appointed?

Mr. MILLER. Presidential appointment.

Mr. PICKETT. By what President?

Mr. MILLER. I believe it was Hoover.

Mr. PICKETT. How long did you serve on that Commission?

Mr. MILLER. Since its organization.

Mr. PICKETT. Are you a member at this time?

Mr. MILLER. I am supposed to be; I have never been dismissed.

Mr. PICKETT. Are you now acquainted with the project of the Snake River Land Co.?

Mr. MILLER. Yes, sir.

Mr. PICKETT. As I understand, you were its original purchasing agent?

Mr. MILLER. I was.

Mr. PICKETT. When did you first learn of this project?

Mr. MILLER. In 1927.

Mr. PICKETT. Do you recall about the time?

Mr. MILLER. In April or May, probably May, along about the 1st of May.

Mr. PICKETT. What were the circumstances of the information you gained at that time?

Mr. MILLER. Why, I was sought out as a purchasing agent for the Snake River Land Co.

Mr. PICKETT. By whom?

Mr. MILLER. By Mr. Webb, Vanderbilt Webb.

Mr. PICKETT. Who is Vanderbilt Webb?

Mr. MILLER. I believe he is the president of the Snake River Land Co., and an attorney.

Mr. PICKETT. And where?

Mr. MILLER. New York City.

Mr. PICKETT. Where did you first come in contact with him, and how?

Mr. MILLER. In Salt Lake City.

Mr. PICKETT. State to the committee what was done there.

Mr. MILLER. We discussed the proposed purchases, and in the afternoon Mr. Fabian joined us.

Mr. PICKETT. State to the committee who Mr. Fabian is.

Mr. MILLER. Mr. Fabian is vice president of the Snake River Land Co., and an attorney in Salt Lake. We discussed the area, and the probable valuations, and the costs, and later on entered into an agreement.

Mr. PICKETT. That is, an agreement between you and the Snake River Land Co.; is that the agreement you refer to?

Mr. MILLER. Well, it was between Mr. Webb and myself—he signed the letters.

Mr. PICKETT. Was that already done at the time of your first meeting, or all done at that first meeting?

Mr. MILLER. No, it was not; it was done—the agreement was entered into on the, I believe, 15th day of July—or June.

Mr. PICKETT. How did you happen to go to Salt Lake City?

Mr. MILLER. At his request.

Mr. PICKETT. Did he telephone you to come over there?

Mr. MILLER. He wired me and wrote me.

Mr. PICKETT. Did you know what he wanted?

Mr. MILLER. Yes; he tried to contact me in New York City before that, and he had left the city, and I was leaving the same evening, so we arranged a meeting in Salt Lake later.

Mr. PICKETT. What did Mr. Webb tell you? What did he say he wanted you to do?

Mr. MILLER. To purchase these lands.

Mr. PICKETT. I mean in regard to the project. He undoubtedly explained that to you before?

Mr. MILLER. He said it was purely for conservation and preservation of the scenic beauties and the wild life. I merely asked him if it was in connection with park creation or park extension, and he assured me it was not.

Mr. PICKETT. And that was before you entered into the agreement?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Why did you ask him that question?

Mr. MILLER. Because I was afraid that it might be.

Mr. PICKETT. What objection did you have to creating a park, if the land that you were getting was to be turned over to the Government? That was the understanding, was it not?

Mr. MILLER. No; there was nothing said, nothing definite, as to where it would be handled or turned.

Mr. PICKETT. Was it understood by you that this land which was to be purchased should be turned over to some department of the Government?

Mr. MILLER. No; it was not.

Mr. PICKETT. What was your understanding of it?

Mr. MILLER. It was indefinite, but that it would not be turned into a national park.

Mr. PICKETT. Did you anticipate—

Mr. MILLER. I might say in connection with that, I am on record in opposition to the creation of national parks since the year that Congressman Mondell introduced his bill. I believe that was back in 1918.

Senator NORBECK. That was the bill for the creation of the Teton National Park?

Mr. MILLER. No; not the creation of the Teton. It was the extension of the Yellowstone. I am on record in that way, and I could not conscientiously change my views.

Mr. PICKETT. What was your objection to this property being turned over to a park if it was to go from private ownership?

Mr. MILLER. For the reason that it would put the rest of us out of business. It would lock the doors, and take away all our grazing privileges, all free-use privileges, all mineral, all summer homes, and threaten and interfere with our advancement and progress in this country.

Mr. PICKETT. I would like to have you explain to the committee the present difference in the regulations of the other departments of the Government that you mention and the Park Service.

Mr. MILLER. The national forest rules and regulations, as the committee here all know, give us the right to graze, give us the right to free use of timber for ranch purposes, and sale purposes, for saw-mill development, and mineral discoveries, such as coal, and our summer homes.

Senator ASHURST. Does a part of the revenue come back to the county treasury for your schools and roads?

Mr. MILLER. Yes. And the Park Service, under its rules and regulations, locks the doors against all of these privileges. Now, that is my objection to a national park.

Mr. PICKETT. Has there been any summer-home development in this community?

Mr. MILLER. Yes, there has; but not so much of late, on account of this controversy.

Chairman NYE. While we are on this subject, how extensive was this development before this controversy arose?

Mr. MILLER. Well, there was lots of applications filed on the Jackson Lake shores, but they were temporarily withheld on account of the reclamation project and the possibility of an extension of Yellowstone National Park or the Grand Teton. I think those could be found at the Forest Service office, the number of applications on file.

Senator ADAMS. Did you understand that Mr. Webb was rather in sympathy with your views as to the differentiation between the National Park Service and the Forest Service?

Mr. MILLER. I don't think we went into that, but he has mentioned that they wanted the summer homes.

Senator ADAMS. Now, Mr. Webb has written a letter in which he lays down certain conditions upon which this land that was purchased for the Snake River Land Co. should be turned over to the Government, and one of them, numbered "4" here, says:

The United States Government to transfer to the National Park Service the land in such area now administered by the United States Forest Service.

In other words, he is apparently insisting that the land now embraced in the National Forest go under the Park Service, and that is the very thing that you do not want?

Mr. MILLER. That would cause a change in the National Park Service rules, wouldn't it?

Senator ADAMS. I don't know that it would.

Senator ASHURST. The answer was not responsive. In other words, do you favor that?

Senator ADAMS. Mr. Webb says in his letter, before this paragraph 4 that:

Mr. Rockefeller is prepared to present to the United States Government the lands acquired by the Snake River Land Co., in order that they may be administered under an ownership, control, and management best calculated to make them available for the future enjoyment of the public. It has seemed that this purpose can best be accomplished under the guidance of the following general principles—

And one of these principles is that—

The United States Government transfer to the National Park Service the land in such area now administered by the United States Forest Service.

Mr. MILLER. What is the date of that letter?

Senator ADAMS. April 1933.

Mr. MILLER. I hadn't seen that.

Senator ADAMS. No; it is July 10, 1933.

Senator ASHURST. Am I to understand that you favor the idea?

Mr. MILLER. I do not favor transferring to the National Park Service at all.

Senator CAREY. Mr. Miller, did you know at the time that you were buying this land that Mr. Albright was connected with it?

Mr. MILLER. I did not.

Senator CAREY. Did Mr. Albright ever talk to you?

Mr. MILLER. No, sir.

Senator CAREY. No one ever advised you that he was in this project?

Mr. MILLER. No, sir; and I have correspondence that will bear me out in that.

Mr. PICKETT. Mr. Miller, have you any correspondence from Mr. Webb in which that matter was discussed?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Have you that with you?

Mr. MILLER. Yes, sir.

Mr. PICKETT. I will ask you to refer to the letters that you have and state when they were written and from whom they are, and read from each the part which refers to that particular matter.

Senator NYE. Will counsel read the letter?

Senator ASHURST. Identify the letter—from whom; by whom; to whom?

Chairman NYE. One is written on February 21, 1928, addressed to Robert E. Miller, which will be recognized as exhibit 2.

Senator ASHURST. By whom is that letter signed?

Mr. MILLER. It is signed by V. Webb—Vanderbilt Webb.

Senator ASHURST. You know that that (indicating) is his signature?

Mr. MILLER. Yes, sir.

Senator ASHURST. Is this the original or a copy?

Mr. MILLER. This is a copy. The original will be somewhere in the files.

Senator ASHURST. Have you seen the original?

Mr. MILLER. No, sir.

Chairman NYE. Is this the letter to which you refer now, addressed to you?

Mr. MILLER. Yes, sir.

Chairman NYE. But you never saw the original?

Mr. MILLER. No; I never saw the original. I supposed this was the original until this morning, when I was looking it up.

Mr. PICKETT. You may explain, Mr. Miller, the system of files that were kept between you people, and that might account for that.

Mr. MILLER. The files were kept from the New York office out through the Salt Lake office, and to me, during this time, and it is possible that the New York office sent this to the Salt Lake office and it was kept in the Salt Lake office and the copy sent to me. I think that Mr. Fabian probably could identify this, if he is present—I don't know whether he is or not.

Chairman NYE. In any event, this second exhibit is a different letter from the first one you offered?

Mr. MILLER. Yes.

Senator CAREY. You think that they mailed the original to the Salt Lake office and sent you a copy?

Mr. MILLER. I don't know, but I should think——

Senator ASHURST. In the due course of your business, have you acted upon this as an original and have you treated it as such?

Mr. MILLER. Yes, sir.

Senator ASHURST. In business matters, have you treated this as a copy of the original?

Mr. MILLER. Yes, sir; I thought it was the original.

Senator ASHURST. Did you ever tell Mr. Webb that you had received it?

Mr. MILLER. I never discovered it was a carbon.

Senator ASHURST. Did you make reply to it?

Mr. MILLER. Oh, yes.

Senator ASHURST. This is a copy without signature; did you send a reply to the copy to Mr. Webb?

Mr. MILLER. Yes.

Senator ASHURST. Do you know whether or not he received it?

Mr. MILLER. I think he did. That can be verified, I think.

Senator ASHURST. I have no objection to it? I wanted the witness to identify the paper.

Chairman NYE. Very well. Will counsel then proceed to read the exhibit?

(Whereupon, Mr. Pickett read exhibit 2 to the committee, as follows:)

FEBRUARY 21, 1928.

ROBERT E. MILLER, Esq.,
Jackson, Wyo.

DEAR MR. MILLER: I was very glad indeed to get your letter of February 8 last week and to learn of the substantial progress which you have been making.

I note from your letter that you have apparently already reached agreements with the owners of 8,006 acres of land for the sale of their property at prices aggregating \$239,520 and that you have under negotiation the purchase of additional parcels totaling 3,367 acres which have a total schedule value of \$130,775, in addition to Mr. Sheffield's property. I also note that the property which you have already agreed to purchase for \$239,520 has a total schedule value of only \$235,720. This means that, instead of cutting under the schedule prices, as I hoped you would be able to do, you have in fact slightly exceeded them to date. I hope that this is due to the fact that your agreements to date cover the more expensive farming lands in the upper part of the valley, and that with these once purchased, you will be able to average your prices down substantially on the balance of the property.

I was greatly interested to read your note in reference to your last conversation with Mr. Sheffield. I entirely agree with you that it will be wise to act as promptly as possible on his proposition and acquire his property at the best figure you can agree upon which does not exceed the schedule price.

I noted the copies of your recent letters to Mr. Fabian. I have also received from him copies of his numerous letters to you in reference to the different ab-

stracts which he has been examining. It appears that the titles to all of this property which is being purchased are not in very good shape, so far as a number of minor details are concerned, in almost every instance. With this in mind, I suggested to Mr. Fabian some weeks ago that he endeavor to get Mr. Spaulding's assistance in this connection, in order to relieve both himself and you of some of the detail work. I have just received from Mr. Fabian copies of letters recently exchanged between him and Mr. Spaulding which indicate that a plan of this sort is being worked out. I am glad to note that Mr. Spaulding agrees with Mr. Fabian that the titles to all of this property should be strictly examined at this time and every possible irregularity cleared up in each case. It should be possible to work out some way of getting this done without taking too much of your time from your important duties of continuing to acquire additional land.

I have noted the reference in your letter to the Yellowstone National Park extension bills which have been introduced at Washington. This is the first I have heard of these bills, and I do not know who is responsible for them. Neither I nor my clients have had anything to do with them, and they are in no way connected with our plan.

I assume that with all of the pending purchases noted in your letter, some of the titles will soon be clear and the purchases completed, so that you will shortly be in need of further funds. I am taking it for granted that I shall hear from Mr. Fabian when this time arrives, and I am also asking him to let me know as soon as any parcel of property has actually been acquired by the Snake River Land Co., and when every subsequent purchase is completed, so that I can keep here a map of all property to which we have actually acquired title.

Hoping to hear from you from time to time as to the progress you are making and with best wishes for the success of your trip to California, I remain

Sincerely yours,

V. WEBB.

Mr. PICKETT. Now, this other letter is a rather long letter, and there is just one paragraph in which we are interested here.

Chairman NYE. Just read the part of it that you consider pertinent to the inquiry.

Mr. PICKETT. It is the third paragraph of a letter dated May 3, 1928, to Robert E. Miller, Jackson, Wyo., which paragraph reads as follows [reading]:

You can rest assured and can honestly assure others that our project is entirely independent from the new park, and has nothing whatever to do with it, although I can't see just what difference it should make anyway to an individual whose land we are buying what it is being bought for, provided we are willing to pay a price for it.

Senator ASHURST. Mr. Chairman, this committee, obviously cannot follow the strict rules of evidence which prevail in a court of law, but will do so as far as possible, and I think it would promote the business of the hearing, if any citizen of responsibility brings in a letter and identifies it, to admit that letter. For instance, my friend Senator Carey, has made some observations about some letters here, but I see no real objection to the letters going into the record where there is identification. So, while we might not have identified these letters as required in a law court, I can see no objection to their admission under the more liberal rules of Senate committees.

Mr. PICKETT. I could probably further identify this letter by Mr. Fabian.

Senator NORBECK. I have no objection to a letter of this kind going in between principal parties to a transaction of this kind, and I don't know why we are taking up time to deal with such matters when they refer to the very thing we are interested in.

Senator ASHURST. A liberal view, not a technical view, should be taken as to these documents, and for that reason I am inclined to think they should all be admitted.

Senator CAREY. I will withdraw my objection.

Chairman NYE. I had hoped that you might consent to do that. At this time, then, I shall repeat my request that the letters of Mr. Albright, Mr. Webb, and Mr. Fabian, as contained in the appendix of our report, may be printed. Is there any objection? Without objection, then, it is so ordered.

Mr. PICKETT. It is my understanding, Senator Nye, that these are not to be copied into the record, but are to be attached as an appendix?

Chairman NYE. Yes, they are to be made a part of the official record. Whether it will be printed finally in order to complete the record remains for the committee to determine.

Have you finished with your examination, Mr. Pickett?

Mr. PICKETT. Go ahead.

Chairman NYE. If you haven't, you may proceed. I would much prefer that you go ahead and complete your examination.

Mr. PICKETT. If you have anything in mind——

Chairman NYE. No; this has not been related particularly to the thing that we are following through, so I think you should proceed along the line that you were pursuing.

Mr. PICKETT. When you received these letters, Mr. Miller, how long had you been in the employ of the Snake River Land Co.?

Mr. MILLER. What is the date of that one?

Mr. PICKETT. Exhibit 2 is February 21, 1928.

Mr. MILLER. Since the middle of June 1927.

Mr. PICKETT. And the other letter, exhibit 3, was May 3, 1929.

Mr. MILLER. I was with them from the middle of June until the last day of December 1929.

Mr. PICKETT. Just what idea did you have of this project and the purpose of it, from your conferences with Mr. Webb and Mr. Fabian?

Mr. MILLER. I thought then, and I think now, outside of its being added to the National Park, that it was a grand idea.

Mr. PICKETT. What was your idea? That is what we are getting at.

Mr. MILLER. The idea of conservation and preservation of our scenic beauties and our wild life and our industries.

Mr. PICKETT. Will you state in just what way this project would contribute to the preservation of the scenic beauties and the wild life?

Mr. MILLER. By being added to the national forest for administration or to the State for administration, Mr. Pickett——

Mr. PICKETT. That is not what I meant. What effect would it have?

Mr. MILLER. It would preserve our ranges, preserve our game, preserve our free-use privileges, and our summer-home privileges, and we will continue to progress rapidly in this valley.

Mr. PICKETT. I still haven't got the answer as to how it would do that.

Mr. MILLER. By conserving what we have here.

Mr. PICKETT. This territory here as shown on the map, exhibit 1, north of Blacktail Butte, I think constitutes the major portion of this project. Has that particular land any scenic value?

Mr. MILLER. No; but it has grazing value.

Mr. PICKETT. Has it any grazing value for wild life?

Mr. MILLER. It has in the fall and spring, passing back and forth; not as a summer range, for it is not a summer range for anything.

Mr. PICKETT. What I am getting at, how would it help the elk?

Mr. MILLER. It would give them free access to and from their winter refuge unmolested. It would also give the livestock industry the same free access to and from their summer and winter grazing. When it is retained in private ownership, they are more or less hampered in grazing back and forth.

Mr. PICKETT. Then, I take it that you are for the elimination of this land within the project from private ownership?

Mr. MILLER. East of the Mormon Row. I have always said that if the Mormon Row people wanted to remain there, it would create a market for everything they could produce.

Chairman NYE. Will you indicate on the map where that Mormon Row is?

Mr. MILLER. Referring to this exhibit 1, is that what you mean?

Chairman NYE. Yes; on this map we have been shown where Blacktail Butte is. Now, where from that is Mormon Row? Just point that out.

Mr. MILLER. Right around here (indicating on map).

Chairman NYE. Just north of it?

Mr. MILLER. Principally east.

Senator NORBECK. Did you buy, while you were agent, any of the land east of that?

Mr. MILLER. There were 2 or 3 claims; yes.

Senator NORBECK. What do you feel should be done with it now?

Mr. MILLER. Whatever the people feel should be done.

Senator NORBECK. You have already stated that it is a fine thing, provided it isn't carried too far. Now, what is your idea?

Mr. MILLER. Yes; and what I mean by that, it would be better for the preservation of the game if they continue the ownership and the production.

Senator NORBECK. I am not sure that I understand you. I think you have answered the questions very frankly and very clearly. When you speak of the project, you have reference to the Rockefeller attempt to secure all of this land, but you feel that the Mormon settlement should be left out of the deal, is that it?

Mr. MILLER. If they want to be left out; yes. If they want to come in, let them come in.

Senator NORBECK. When you speak of the Rockefeller project, you mean the purchases and the withdrawn area as shown on the map there?

Mr. MILLER. The withdrawn area surrounding the Rockefeller lands.

Mr. PICKETT. You might just take a pencil or pointer, Mr. Miller, and outline what you mean by the project on the map there.

Mr. MILLER. There is the line, right there (indicating on the map).

Senator NORBECK. Now, the area that is colored white, that should be preserved for the wild life, should it?

Mr. MILLER. Oh, yes.

Senator NORBECK. And the lands in red, known as the Rockefeller lands, what are they?

Mr. MILLER. That is here, and here [indicating]. It should be preserved, too.

Senator NORBECK. In other words, the colored map as set out there is, in the main, in harmony with your line of thought?

Mr. MILLER. Yes.

Senator ASHURST. And is it true that the reason why your company did not buy the Mormon Row land was because those people did not desire to sell?

Mr. MILLER. Yes, sir; if I didn't want to sell, they couldn't buy my land, and these Mormon Row people had that same right, to my mind. It was not for me to say whether they should sell or not. If a man would tell me I had to sell, I would tell him where he could go to.

Mr. PICKETT. Mr. Miller, on what date were you employed by the Snake River Land Co.?

Mr. MILLER. I can't give you the exact date. (Referring to memorandum) it was June 15, 1927.

Mr. PICKETT. Prior to that time, in 1927, hadn't you attended a meeting of the Elk Commission in Washington?

Mr. MILLER. Yes, sir.

Mr. PICKETT. And there had been considerable discussion there about the withdrawal of public land for the preservation of the elk?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Can you indicate on the map what was the agreement of the Elk Commission?

Mr. MILLER. It was the elk drift, is all that we agreed on, right through here [indicating], and over on Antelope Flats, which always has been their natural drift to and from that summer range.

Mr. PICKETT. Then you agreed to certain additions to the Biological Survey for that?

Mr. MILLER. We agreed to the Winter bill.

Mr. PICKETT. That had already been introduced?

Mr. MILLER. Yes, sir.

Mr. PICKETT. And that is indicated by the light blue on the map?

Mr. MILLER. It is here [indicating].

Mr. PICKETT. The dark blue is the land that the Biological Survey has title to now, and the white interspersed in there is unappropriated land?

Senator NORBECK. Yes; but withdrawn.

Mr. MILLER. That is the withdrawn area within that proposed area.

Senator CAREY. Wasn't that all the land that the Elk Commission recommended the purchase of, the white land, in the Winter bill?

Mr. MILLER. In the blue.

Senator CARY. That was all the land that they recommended purchasing?

Mr. MILLER. Yes.

Senator ADAMS. The light blue?

Mr. MILLER. The dark blue is what they now have. The Winter bill provided for the light blue, as I understand it.

Senator ADAMS. Yes; the dark blue is what the Biological Survey now has, and the light blue was included in the Winter bill. That is the legend here on the map.

Mr. PICKETT. Did that area satisfy the needs of the elk at that time?

Mr. MILLER. The Winter bill?

Mr. PICKETT. Yes.

Mr. MILLER. Yes.

Senator NORBECK. That is, for winter feed?

Mr. MILLER. For winter feed, and access to and from their refuge to what we call the Sheep Mountain country.

Senator ADAMS. Mr. Miller, you have gone over this area with some care during the time that you were acting as purchasing agent?

Mr. MILLER. Yes, sir.

Senator ADAMS. Apparently there is a strip of land, the part on that map that is in white. Now, that is withdrawn—that is not open to settlement?

Mr. MILLER. No.

Senator ADAMS. Now, you take out the red, that has already been purchased by the Snake River Land Co., and you take out that blue, which now belongs to the Biological Survey, and you take out the light blue that is proposed by the Winter bill, can you give an idea or any estimate of how much is left for private ownership in that area?

Mr. MILLER. No, I could not.

Senator ADAMS. And all of that area, east and west and north and south of this butte, which is colored light green, that is now forest reserve?

Mr. MILLER. All forest reserve.

Senator ADAMS. So there is just simply this strip here [indicating]?

Mr. MILLER. That is all there is, is the red and the white.

Senator ADAMS. And all that remains for private ownership is what is to my eyes designated as brown—I don't know what that coloring is.

Mr. MILLER. I think that is red, isn't it, or the white?

Senator ADAMS. No; this [indicating].

Senator CAREY. I would like to ask a question.

Senator ADAMS. I will finish with the witness in just a moment, Senator Carey.

Senator CAREY. I beg your pardon.

Senator ADAMS. It is marked on this map—there is one group of lands with horizontal lines, which represents the privately owned lands, and one with vertical lines which represents the unperfected homestead lands?

Mr. MILLER. Yes.

Mr. PICKETT. Now, Mr. Miller, in connection with these privately owned lands, have they any additional rights there outside of that?

Mr. MILLER. How is that?

Mr. PICKETT. Have they any rights in addition, or can they obtain any additional rights, from the Forest Service?

Mr. MILLER. They can get their rights from the Forest Service, their grazing privileges.

Mr. PICKETT. Where are the cattle from these lands grazed in the summer?

Mr. MILLER. In the higher countries, from the Gros Ventre north up to and including Black Rock.

Mr. PICKETT. Are there any cattle in that country in the summer?

Mr. MILLER. Very few, just in the winter.

Senator CAREY. The reason for that is on account of the elk, and they have been compelled to take their cattle out?

Mr. MILLER. I think that is true as to that settlement.

Senator CAREY. Don't all of the cattlemen in this valley have to take their cattle a long distance away in the summer?

Mr. MILLER. Yes, sir.

Senator NORBECK. Has there been any cattlemen gone out of business during this period or discontinued the use of the range that was formerly allocated to them?

Mr. MILLER. I think this year the Ferrin cattle failed to use their permit. They have used it since their sale up until this year. I am sure they had cattle there last year.

Mr. PICKETT. How do you obtain a permit to go on the national forest?

Mr. MILLER. Make an application to the national-forest supervisor in charge.

Mr. PICKETT. And pay for it?

Mr. MILLER. And pay for it; yes, sir.

Mr. PICKETT. What is the cost of that permit? How do you pay for it—by the head, or how?

Mr. MILLER. Yes; by the head.

Mr. PICKETT. What is that cost?

Mr. MILLER. I think it is 60 cents. I may be wrong. If some of these forest people will correct me——

Senator CAREY. 66 cents.

Mr. MILLER. 66 cents, is it?

Mr. PICKETT. Was the forest range the only cattle range of any consequence in the north part of the valley?

Mr. MILLER. You mean that was purchased?

Mr. PICKETT. Or that has been at any time?

Mr. MILLER. No; the Mormon Row people all run cattle.

Mr. PICKETT. Run them in the forest?

Mr. MILLER. Yes. They have the most productive part of our entire valley right there.

Mr. PICKETT. Now, Mr. Miller, if this land is taken out of private ownership, are there any cattle maintained in the valley to use these national forests for grazing land?

Mr. MILLER. Oh, yes.

Mr. PICKETT. Where are they?

Mr. MILLER. They are grazing from Grovont south.

Chairman NYE. The committee feels that it should adjourn at this time, to reconvene at 10 o'clock in the morning, and the convening will be promptly at 10 o'clock, at which time, Mr. Miller, we will hope to continue with you as the witness on the stand.

(Whereupon, at the hour of 5:10 p.m., the hearing was adjourned to meet at 10 a.m., Aug. 8, 1933.)

INVESTIGATION OF PROPOSED ENLARGEMENT OF THE YELLOWSTONE AND GRAND TETON NATIONAL PARKS

TUESDAY, AUGUST 8, 1933

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC LANDS AND SURVEYS,
Jackson, Wyo.

Pursuant to adjournment, the subcommittee met, at 10 a.m., in the American Legion Hall, Jackson, Wyo., Senator Gerald P. Nye, presiding.

Present: Senators Nye (chairman), Ashurst, Adams, Norbeck, and Carey, also John C. Pickett, counsel for the committee.

STATEMENT OF R. E. MILLER—Resumed

Mr. PICKETT. Mr. Miller, yesterday you testified that you had lived in this valley since 1885. What business were you engaged in during that time?

Mr. MILLER. In the cattle business.

Mr. PICKETT. Have you had considerable experience in handling cattle?

Mr. MILLER. Yes, sir.

Mr. PICKETT. In this valley?

Mr. MILLER. Yes, sir.

Mr. PICKETT. How many cattle have you run yourself at different times?

Mr. MILLER. Oh, a thousand head, or better, at times.

Mr. PICKETT. They run in the national forests in the summertime?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Are you familiar with the numbers of cattle, approximately, that were run in the north end of this valley prior to the time that the purchases were made by the Snake River Land Co.?

Mr. MILLER. No, I am not, only approximately; I haven't any record of it.

Mr. PICKETT. How many ranches were there up there doing an active cattle business, and what ranches were they?

Mr. MILLER. Well, from the Buffalo down there was J. W. Gauman, Nobel Gregory, J. D. Ferrin, or Ferrin Bros., Cunningham had a few, and he also had a few sheep. On the Mormon Row there was Henry Green, James Budge, and a few other smaller ones.

Mr. PICKETT. How many cattle would you say the Elbo Ranch had?

Mr. MILLER. They have fed in excess of a thousand head.

Mr. PICKETT. Do you know approximately how many other going ranches there are in the valley?

Mr. MILLER. About 10.

Mr. PICKETT. Approximately how many do they run?

Mr. MILLER. From 250 to up to 1,200 head.

Mr. PICKETT. You are in the banking business here, and in the business of financing these kinds of enterprises: Are you acquainted with the financial condition of these different cattlemen?

Mr. MILLER. In a way; yes.

Mr. PICKETT. Do you know whether or not in recent years they have been able to make the cattle business profitable in this valley?

Mr. MILLER. I think they have; in fact, I know they have.

Mr. PICKETT. The most of them do business with you or with your bank?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Now, in your original project that you had in mind, was it explained to you in any way by Mr. Webb or other representatives of Mr. Rockefeller what was to be done with the cattlemen in this area?

Mr. MILLER. No; it was not.

Mr. PICKETT. What understanding did you have?—any?

Mr. MILLER. None at all, only, as I said before, there wasn't to be national park extension or creation.

Mr. PICKETT. If it was turned over to the Biological Service the cattlemen would not have any rights in there, would they?

Mr. MILLER. I think they would.

Mr. PICKETT. You had no understanding as to that?

Mr. MILLER. No.

Mr. PICKETT. You simply bought it, however, as their agent, and really did not know what was going to happen to the property?

Mr. MILLER. I felt that I knew, but I did not know, of course.

Mr. PICKETT. When did you first learn what was contemplated?

Mr. MILLER. I believe it was as late as 1930.

Mr. PICKETT. How did you learn that?

Mr. MILLER. Just from hearsay.

Mr. PICKETT. You were never advised by any of the agents, and that was after you were out of the company?

Mr. MILLER. Yes, sir.

Mr. PICKETT. How long were you with the company acting as their agent?

Mr. MILLER. From June 15, 1927, until December 31, 1929.

Mr. PICKETT. Did you have a contract to act as their agent during that time?

Mr. MILLER. Yes, sir; as a purchasing agent.

Mr. PICKETT. And you were furnished with purchasing schedules within this area?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Do you recall approximately how much land you bought during that time, and what you agreed to buy?

Mr. MILLER. Around fourteen or fifteen thousand acres.

Mr. PICKETT. Do you know approximately what you paid for that?

Mr. MILLER. I would not know the average, no, but between \$25 and \$30 an acre.

Mr. PICKETT. Was that a fair valuation on that land?

Mr. MILLER. I think so.

Mr. PICKETT. What were your instructions in dealing with these people, in regard to the prices?

Mr. MILLER. To buy within the meaning of the schedule, otherwise not, providing there was a sale for it.

Mr. PICKETT. Did you help prepare this schedule of prices?

Mr. MILLER. Yes.

Mr. PICKETT. And they were prices you thought were the fair value of the land?

Mr. MILLER. Yes, sir.

Mr. PICKETT. During the time you were purchasing can you explain to us the method which you used in attempting to get an owner to sell?

Mr. MILLER. I merely told them there was an opportunity to sell, and if their prices was within my reach I attempted to buy it.

Mr. PICKETT. Did you tell the prospective seller you were authorized to pay a certain amount for their property?

Mr. MILLER. No, sir; I said I either could or could not meet their price.

Mr. PICKETT. You dealt with them the same way as if you were out there purchasing for yourself?

Mr. MILLER. Just exactly.

Mr. PICKETT. During that time did you tell anyone or have anyone told that if they did not sell that condemnation proceedings would be started against them?

Mr. MILLER. I never told anybody that, or had anybody tell anybody else.

Mr. PICKETT. Did you know that the Park Service had the right, under the law, to condemn?

Mr. MILLER. No, I did not.

Mr. PICKETT. That was never discussed?

Mr. MILLER. No.

Mr. PICKETT. In this land, that you purchased, did you have an interest in any of it?

Mr. MILLER. Yes, sir; that is, I had loans on it.

Mr. PICKETT. Do you know to what extent? Have you that in mind, approximately?

Mr. MILLER. Oh, probably \$10,000.

Mr. PICKETT. I mean, the number of places.

Mr. MILLER. Oh, not to exceed a half dozen.

Mr. PICKETT. And you received the money for those out of the purchase price?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Did you own any land in this territory?

Mr. MILLER. I owned two tracts.

Mr. PICKETT. Did you sell either of those?

Mr. MILLER. Yes, sir.

Mr. PICKETT. To the Snake River Land Co.?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Where was that piece you sold located?

Mr. MILLER. One of them was directly north from the crossing at Grovont, and one adjoining Kelly.

Mr. PICKETT. Was the one north of Grovont sold?

Mr. MILLER. Yes.

Mr. PICKETT. How big a place was that?

Mr. MILLER. One hundred and sixty acres.

Mr. PICKETT. What price did you receive for that?

Mr. MILLER. I believe it was \$20 an acre.

Mr. PICKETT. Was that price above prices paid to other people for similar lands?

Mr. MILLER. I do not think so. Lands adjoining there sold for \$25, and lands adjoining also for \$15, but that was more or less on the river bottom—more or less waste land.

Mr. PICKETT. Did you sell or offer to sell your other place in Mormon Row country.

Mr. MILLER. I had none in the Mormon Row country.

Mr. PICKETT. The place near Kelly?

Mr. MILLER. I sold that.

Mr. PICKETT. Was that the one you just mentioned?

Mr. MILLER. No; I sold two.

Mr. PICKETT. You sold two to the Snake River Land Co.?

Mr. MILLER. Yes, sir.

Mr. PICKETT. How big a place was the other place?

Mr. MILLER. One hundred and sixty acres.

Mr. PICKETT. What did you get for it?

Mr. MILLER. \$30 an acre.

Mr. PICKETT. Was there any other land up in that vicinity, similar land?

Mr. MILLER. Yes, sir.

Mr. PICKETT. What was paid for it?

Mr. MILLER. From \$20 to \$40.

Mr. PICKETT. Was your land included in the schedule of prices that was agreed upon by Mr. Webb?

Mr. MILLER. I did not own it at that time.

Chairman NYE. Pardon me; did you say you did not own it at that time?

Mr. MILLER. At the time the schedule was made.

Chairman NYE. You bought it after that?

Mr. MILLER. I was forced to take it.

Mr. PICKETT. You foreclosed on the property?

Mr. MILLER. No; it was deeded to me to prevent foreclosure.

Mr. PICKETT. Who owned that property previous to that?

Mr. MILLER. A man by the name of Homer Bark.

Mr. PICKETT. He was in default on his loan?

Mr. MILLER. Yes.

Mr. PICKETT. Was there any difference in the price you received for that land and what was owed to you by Bark?

Mr. MILLER. Yes.

Mr. PICKETT. How much?

Mr. MILLER. I lost about 1 year's interest on it.

Mr. PICKETT. Your purchase price did not equal the amount owed by Bark?

Mr. MILLER. No.

Chairman NYE. Let us get this clear. You had a mortgage on that land?

Mr. MILLER. Yes.

Chairman NYE. In what amount?

Mr. MILLER. \$4,000, if I remember correctly.

Chairman NYE. Which represented a loan per acre of about what?

Mr. MILLER. A little under \$30—160 acres.

Chairman NYE. That is all.

Senator ASHURST. What was the land worth at the time you took the mortgage on it?

Mr. MILLER. It wasn't worth what I loaned on it.

Chairman NYE. You discovered that afterward?

Mr. MILLER. Yes. I should not have said that; probably it was worth that if it was properly handled.

Mr. PICKETT. Do you own any other land in that territory now?

Mr. MILLER. Yes.

Mr. PICKETT. Did you offer to sell that?

Mr. MILLER. No. At that time it was in the name of other people.

Mr. PICKETT. I mean, at the time you were purchasing agent?

Mr. MILLER. No; I didn't own it at that time.

Mr. PICKETT. Now, Mr. Miller, you say you are acquainted with the range of this valley; has this particular area in question any value, in your opinion, for cattle grazing?

Mr. MILLER. It has; yes.

Mr. PICKETT. Explain that to the committee.

Mr. MILLER. It is the route to and from the summer and winter ranges, and it is necessary in conducting the livestock business to have access to that in going to the range and in returning in the fall.

Mr. PICKETT. What kind of range is that, a good range, or just sufficient for that purpose?

Mr. MILLER. A good spring range.

Mr. PICKETT. Any fall range?

Mr. MILLER. A little.

Mr. PICKETT. Is that range through that area sufficient to take care of all of the cattle in the lower part of the valley as they go to and from the range in the forest reserve?

Mr. MILLER. I think so.

Senator CAREY. Mr. Miller, isn't it a fact that the stockmen here can get proper summer ranges when they turn out in the spring, and they have to have certain range to use between the time they turn out?

Mr. MILLER. Yes.

Senator CAREY. This country is used for that?

Mr. MILLER. Yes.

Senator CAREY. It is not really a kind of trail across—they have to use it?

Mr. MILLER. They have to use it.

Senator ASHURST. Have you reference to the lands Rockefeller purchased?

Mr. MILLER. Yes; and proposes to purchase.

Senator ASHURST. How nearly are the Rockefeller proposed purchases completed?

Mr. MILLER. I could not answer that.

Senator ASHURST. Are they 75 percent completed?

Mr. MILLER. I would not think it was.

Senator ASHURST. Not quite 75 percent completed, you say?

Mr. MILLER. I do not think so—I would not know about that. Of course this range in question now has been appropriated, and what they have purchase, practically all of it, is again open range. There was a range adjoining they could use, but had to go through lanes to get to it.

Mr. PICKETT. You mean by that that at the present time the cattlemen are in better position than they were before the purchases?

Mr. MILLER. Providing they are allowed to remain there.

Mr. PICKETT. I mean, at the present time.

Mr. MILLER. Yes; they have more open range.

Mr. PICKETT. How did you get the cattle to the forest range before this country was open.

Mr. MILLER. Through the lanes.

Mr. PICKETT. Drive them?

Mr. MILLER. Yes.

Senator ASHURST. I am not clear on these statements. Having reference now to the lands purchased as spring and fall range; were they then in private ownership?

Mr. MILLER. They were when they were purchased.

Senator ASHURST. In other words, they were only for the owners of the land?

Mr. MILLER. Yes.

Senator ASHURST. And if it be public range now it is because they are permitted to cross on these Rockefeller lands?

Mr. MILLER. That is it, exactly.

Senator ASHURST. Is that what you would like to have them continue to do?

Mr. MILLER. Yes.

Senator CAREY. With these deeded lands of course there was open range in the unappropriated public domain?

Mr. MILLER. Other range that they reached by going through the private-ownership range.

Senator ASHURST. Are those still open?

Mr. MILLER. Yes.

Senator ASHURST. That has not changed?

Mr. MILLER. No.

Senator ADAMS. The testimony here yesterday was that the lands purchased were leased back to the original owners; is that true of all these tracts?

Mr. MILLER. Not to my knowledge; I do not know as to that.

Senator ADAMS. Who is in possession of these tracts you purchased?

Mr. MILLER. As I understand it, the fences are down and they are open.

Senator ADAMS. You made the statement, or at least one witness yesterday testified, that it was leased back?

Mr. MILLER. That is what we call a "dude ranch".

Senator ADAMS. That was the exception, rather than the rule?

Mr. MILLER. Yes; that is not range country.

Senator ADAMS. On the rest of these purchases, as far as you know, the fences are down and it is open range now?

Mr. MILLER. I think they are all, now.

Senator ADAMS. With any restrictions at all as to use?

Mr. MILLER. Not that I know of.

Senator ASHURST. In other words, Rockefeller pays the taxes and it is open range now? Is that it?

Mr. MILLER. Yes.

Senator ASHURST. Is that good range?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Mr. Miller, you are familiar with the fencing requirements in our State; will you explain to the committee what that is?

Mr. MILLER. Our statute provides that unless the holding is under fence that it is considered public domain.

Senator ADAMS. The general western stock law?

Mr. MILLER. Yes.

Mr. PICKETT. In other words, we have no general herd law?

Mr. MILLER. No.

Mr. PICKETT. In the purchases you made, Mr. Miller, were there any agreements or leases made back to the purchaser—or seller?

Mr. MILLER. I think only verbally. I do not recall that we made anything in writing, and verbally with the understanding that they could remain there for a short period, from time to time, until they could make other arrangements.

Mr. PICKETT. Was there any long-time leases?

Mr. MILLER. Not that I made; no.

Mr. PICKETT. Did you purchase any property engaged in dude ranching, or carrying on any business of a like nature?

Mr. MILLER. Not that I recall.

Mr. PICKETT. You purchased only from the men actually engaged in ranching or farming?

Mr. MILLER. I do not recall any dude-ranch properties at all, or anything except what we call ranching.

Mr. PICKETT. Do you know how many dude ranches there are in this valley?

Mr. MILLER. In the entire valley?

Mr. PICKETT. Yes.

Mr. MILLER. Not to exceed five that are in actual operation for the traveling public, or for people for the summer.

Mr. PICKETT. Do you know anything about how extensive they are—how many people they accommodate?

Mr. MILLER. No; I would not, only at a guess—probably 150.

Mr. PICKETT. Do you know whether or not they have been profitable?

Mr. MILLER. No; I do not know.

Mr. PICKETT. Now, Mr. Miller, I would like to go back to the meeting of the Elk Commission in February of 1927, and ask you if you recall who was at that meeting from the State of Wyoming?

Mr. MILLER. The winter of 1927?

Mr. PICKETT. Yes; the first Elk Commission meeting.

Mr. MILLER. Wasn't that 1926?

Mr. PICKETT. I think it was in February 1927?

Mr. MILLER. I do not think I can recall.

Mr. PICKETT. Was Senator Deloney, yourself, and Mr. Albright there?

Mr. MILLER. And Mr. Larom, I believe.

Mr. PICKETT. That was after you had been employed by the Snake River Land Co.?

Mr. MILLER. No; I was not employed until June of 1927.

Mr. PICKETT. June 1927?

Mr. MILLER. Yes.

Mr. PICKETT. Now, at this meeting was it agreed that a bill would be introduced, and a request for withdrawal included in what is known as the Winter bill?

Mr. MILLER. The withdrawal for the Winter bill?

Mr. PICKETT. Yes. As I understand it, the Winter bill had already been introduced.

Mr. MILLER. Yes; and as I recollect it we were all favorable to the Winter bill.

Mr. PICKETT. Did the Commission agree that that was sufficient to take care of the elk?

Mr. MILLER. I think they did.

Senator ASHURST. What number of elk?

Mr. MILLER. We fought back and forth, and finally decided on 20,000 as being the limit.

Senator ASHURST. The reason I ask that is that I was told, when I was here 5 years ago, that the herd was 7,000. That was hardly correct as of that time?

Mr. MILLER. I would hardly think so.

Senator ASHURST. What, in your judgment, has been the lowest number of elk in the last 20 years?

Mr. MILLER. I do not believe it has been under 12 or 15 thousand.

Mr. PICKETT. Do you know whether or not later a withdrawal was made at the request of the Department of Agriculture to comply with the agreement of the Elk Commission?

Mr. MILLER. I believe it was.

Mr. PICKETT. That was the withdrawal of April 15, 1927?

Mr. MILLER. Yes.

Senator ASHURST. That includes what area?

Mr. PICKETT. That includes the light blue.

Senator ASHURST. An area of how many thousand acres—20 or 30 thousand?

Mr. PICKETT. I believe something over seven.

Senator ASHURST. That is illuminating. I was told that the Park Service was instrumental in doing that.

Mr. PICKETT. Now, following that withdrawal, Mr. Miller, do you know whether or not a short time thereafter another withdrawal was made?

Mr. MILLER. I understood it was.

Mr. PICKETT. Were you the purchasing agent of the Snake River Land Co. at the time that withdrawal was made?

Mr. MILLER. Yes, sir.

Mr. PICKETT. And that is the withdrawal of July 7, 1927?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Do you know approximately how many acres that withdrawal included?

Mr. MILLER. No; I do not.

Mr. PICKETT. But you do know it included all of the unappropriated lands, with some exceptions, in the Snake River Land Co.?

Mr. MILLER. Yes.

Mr. PICKETT. I mean, that they are interested in?

Mr. MILLER. Yes.

Mr. PICKETT. And as shown in white on this map, exhibit 1?

Mr. MILLER. Yes.

Mr. PICKETT. Do you know at whose request that withdrawal was made?

Mr. MILLER. No, I don't.

Mr. PICKETT. You have seen a copy of the withdrawal order?

Mr. MILLER. I think I have a copy; I am not sure.

Mr. PICKETT. Do you know whether or not the basis for that withdrawal was given as legislation in aid of further elk refuge?

Mr. MILLER. I understood that was the purpose.

Mr. PICKETT. Had the Elk Commission agreed upon that?

Mr. MILLER. No, sir.

Mr. PICKETT. And that withdrawal was made approximately two and a half months after the withdrawal according to the agreement of the Elk Commission?

Mr. MILLER. Yes, sir.

Senator CAREY. Mr. Miller, wasn't the matter of a general withdrawal discussed at the meeting of the Elk Commission?

Mr. MILLER. Not necessarily generally, but there was a discussion as to the boundaries of the one that we agreed on.

Senator CAREY. And after a thorough consideration and discussion it was decided to recommend only the lands within the Winter bill?

Mr. MILLER. Yes, that is my recollection of it; that is 6 years ago.

Senator CAREY. I think there are letters here from the secretary that bear that out.

Mr. MILLER. Yes, sir; there is correspondence that will bear out all of this.

Mr. PICKETT. Did Mr. Albright participate in the agreement with the Elk Commission?

Mr. MILLER. I could not say as to that.

Mr. PICKETT. He was there and participated in the discussion?

Mr. MILLER. I think he was there. I would not say that he was, but, however, the records will show whether he was or was not.

Mr. PICKETT. Was there anything said by him about this large withdrawal at that meeting?

Mr. MILLER. Not that I recall.

Senator NORBECK. What is the use of asking the witness what somebody said, after he testified he did not know whether he was there?

Mr. PICKETT. He did not testify to that.

Senator NORBECK. He said he did not know whether Albright was there.

Chairman NYE. Do you know that Albright was present at the meeting of the Commission?

Mr. MILLER. The first meeting?

Chairman NYE. The one counsel just required about.

Mr. MILLER. I could not say whether he was or not. I can say this, that the minutes of that meeting will tell.

Senator NORBECK. You mean to say you do not know who was present at that meeting in Washington?

Mr. MILLER. I would not swear he was there.

Senator NORBECK. Would you say he was not?

Mr. MILLER. No, sir.

Chairman NYE. Who was there?

Mr. MILLER. From this State, Mr. Deloney and myself, that I know.

Chairman NYE. Who else.

Senator ASHURST. This hearing seems to be on Mr. Albright, instead of on the question before us. You testified that you do not know whether he was there or not, and counsel asked you what he said.

Senator NORBECK. You stated you and Mr. Deloney were there? Who else was there?

Mr. MILLER. Mr. Larom, of this State, and Mr. Sheldon, and I were there, and there were a representative or two from the Forest Service.

Senator NORBECK. Do you remember who they were?

Mr. MILLER. No.

Senator NORBECK. You do not remember whether Albright was there or not?

Mr. MILLER. No.

Mr. PICKETT. Have you a copy of the minutes?

Mr. MILLER. They will show.

Mr. PICKETT. Do you have a copy?

Mr. MILLER. No; I haven't.

Mr. PICKETT. When did you first learn of this July withdrawal?

Mr. MILLER. Sometime after that, during the summer. In fact, I presume right after it came out I got a copy of it.

Mr. PICKETT. Was that after you had been employed?

Mr. MILLER. Yes.

Mr. PICKETT. Was it discussed by you?

Mr. MILLER. Later on?

Mr. PICKETT. Yes; before the withdrawal.

Mr. MILLER. No.

Mr. PICKETT. Now, later, Mr. Miller, you met in Washington, I think it was the same year, with Mr. Webb and others; do you recall that meeting?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Who were present there?

Mr. MILLER. There was Senator Kendrick, Congressman Winter, Ex-Congressman Mondell, Governor Emerson, Mr. Webb, and myself.

Mr. PICKETT. What was discussed at that meeting?

Mr. MILLER. Relative to this withdrawal. The question was raised, after that withdrawal, in the meeting without congressional delegation, as to what it was all about, and we were called together there to discuss it and find out what it was about.

Mr. PICKETT. And did you find out?

Mr. MILLER. No; I do not think we did.

Mr. PICKETT. Immediately after that conference you commenced purchasing the land, didn't you?

Mr. MILLER. Yes, sir.

Mr. PICKETT. What was the purpose of those meetings?

Mr. MILLER. The purpose was to satisfy the Governor as to whether they were going to take away from this State and create national parks with it.

Mr. PICKETT. Did the Governor receive that assurance while you were there?

Mr. MILLER. He felt that he was assured of that.

Mr. PICKETT. Did he agree to the program?

Mr. MILLER. No, I do not think that he did; I think he rather took it under advisement.

Senator CAREY. Did you at that time know that these lands were going to be made a park?

Mr. MILLER. No, sir, I did not.

Senator CAREY. Did you know——

Mr. MILLER. It was rumored to the Governor by somebody.

Senator CAREY. Do you remember what was said to the Governor by Mr. Webb?

Mr. MILLER. He said that it was not.

Senator CAREY. That it was not going to the park?

Mr. MILLER. No. But he did not assure him what would administer it, whether the State or some other part of the Government, and the Governor naturally leaned to the State for administration.

Mr. PICKETT. Was Senator Kendrick there also?

Mr. MILLER. Yes; for a short time only.

Mr. PICKETT. Was it agreed between you and those other representatives that this program should continue?

Mr. MILLER. It was agreed; in other words, they withdrew their objections temporarily.

Mr. PICKETT. What I am getting at, Mr. Miller, is that I would like to know if Mr. Emerson, as governor, and Senator Kendrick and Congressman Winter were satisfied that this project should continue.

Mr. MILLER. I do not believe they were satisfied; they withdrew their objections temporarily.

Senator ASHURST. But the land purchases continued?

Mr. MILLER. Yes.

Mr. PICKETT. Had there been any land purchased before that?

Mr. MILLER. No; I do not think there had, to speak of; there may have been a few small tracts, but nothing to amount to anything.

Senator ASHURST. But they withdrew their objections and you continued to buy the land, is that right?

Mr. MILLER. Yes.

Senator ADAMS. Who was also buying land at the same time? You bought 12 or 15 thousand acres, and in the aggregate there has been about 40 thousand—

Mr. MILLER. I do not think there had been up to that time.

Senator ADAMS. I am talking of this time.

Mr. MILLER. There has not been that much purchased.

Senator ADAMS. How much has been purchased up to now?

Mr. MILLER. I do not know.

Senator ADAMS. Somebody stated 40,000 acres. Who, besides yourself, acted as purchasing agent in gathering these lands?

Mr. MILLER. Since I severed my connections Mr. Winger has been agent.

Chairman NYE. But Mr. Winger also purchased while you were purchasing?

Mr. MILLER. He helped for 2 or 3 months.

Chairman NYE. Mr. Winger will be heard this morning also, for the Senators' information.

Senator ASHURST. He was purchasing and cooperating with you in the purchasing at that time?

Mr. MILLER. Yes, sir.

Mr. PICKETT. When did Mr. Winger commence purchasing with you, do you recall?

Mr. MILLER. It was in the fall of 1929, or summer; it may have been in the late summer.

Mr. PICKETT. And your contract expired the first of the year?

Mr. MILLER. Yes.

Mr. PICKETT. And you severed your connections with the company at that time?

Mr. MILLER. Yes, sir; with the exception of a few completions of sales that had been contracted for and not completed.

Mr. PICKETT. There is another matter I want to ask you about, Mr. Miller; do you recall any attempts to extend the Yellowstone National Park farther south and when the first bill was introduced for that purpose?

Mr. MILLER. Only rumor.

Mr. PICKETT. You remember the opposition to the extension of the park, do you not?

Mr. MILLER. To which bill do you have reference?

Mr. PICKETT. I think Mondell's bill was the first bill.

Mr. MILLER. That did not include anything south of Buffalo.

Mr. PICKETT. Was that bill passed?

Mr. MILLER. No.

Mr. PICKETT. Do you know whether any other bills had been passed to extend the park south?

Mr. MILLER. No, sir; not the Yellowstone.

Mr. PICKETT. That was in 1918, I believe?

Mr. MILLER. I believe that was the year.

Mr. PICKETT. And there was a withdrawal of the lands in the forest reserve in that particular area by Executive order at that time?

Mr. MILLER. Yes, sir.

Senator ADAMS. The Mondell bill of 1918 contemplated an extension of the Yellowstone Park down to the Buffalo Fork, did it?

Mr. MILLER. Yes, sir; including about 7,000 acres.

Mr. PICKETT. Did you take part in the opposition to that extension?

Mr. MILLER. Yes, sir.

Mr. PICKETT. Now, Mr. Miller, are you familiar with the settlements within this area in the northwest part of the State, of which the Yellowstone Park, Targhee Forest, Teton National Forest, Shoshone, and the Washakie National Forests, are composed?

Mr. MILLER. I am not familiar with the area east of the Yellowstone Park; I have just merely driven through that.

Mr. PICKETT. Do you know whether or not in this particular area there is any settlement of any size, and privately owned land, except the Jackson Hole area?

Mr. MILLER. How far east?

Mr. PICKETT. As far east as you know.

Mr. MILLER. I do not know of any until you get on the other side of the divide, on Wind River, and the streams running east.

Mr. PICKETT. How far is that?

Mr. MILLER. I think they call it about 90 miles to Dubois; that is the center of the settlement.

Mr. PICKETT. What kind of land is that?

Mr. MILLER. At Dubois?

Mr. PICKETT. No; between here and Dubois.

Mr. MILLER. Mountainous country.

Mr. PICKETT. There are no settlements in there?

Mr. MILLER. No.

Mr. PICKETT. That is about 75 miles?

Mr. MILLER. Yes.

Mr. PICKETT. How far south is it to any settlement from the southern extremity of the Jackson Hole country?

Mr. MILLER. Over on Green River—it is about 60 miles, 55; I think it is 51 to the rim, and 5 miles to where there is any settlement. The Star Valley is in the neighborhood of 40 miles to a settlement.

Mr. PICKETT. If the entire Jackson Hole area was purchased and became Government land there would be no private settlements in the northwest part of the State?

Mr. MILLER. None to speak of. There would not be any, in fact.

Chairman NYE. Mr. Miller, you were engaged, you have testified, on June 15, 1927, by the Snake River Land Co.?

Mr. MILLER. Yes, sir.

Chairman NYE. What was the particular reason for your engagement?

Mr. MILLER. For them engaging me?

Chairman NYE. That is right.

Mr. MILLER. I do not know.

Chairman NYE. You had been called into conference?

Mr. MILLER. I was called to Salt Lake in a conference in the spring of 1927.

Chairman NYE. You were a pioneer in the community and pretty thoroughly conversant with the lands involved in the Snake River Land Co. project?

Mr. MILLER. Yes.

Chairman NYE. And probably for that reason were engaged by them?

Mr. MILLER. Probably.

Chairman NYE. You carried on in your purchases for the Snake River Land Co. for approximately 2 years?

Mr. MILLER. Two and a half years.

Chairman NYE. During that time you made purchases of how many tracts of land?

Mr. MILLER. I could not say that.

Chairman NYE. Approximately?

Mr. MILLER. No; I would not attempt to.

Chairman NYE. Well, as to the number of acres?

Mr. MILLER. Approximately 15,000 acres, but I do not know. I am not sure that is correct; the records will show all that.

Chairman NYE. You could not say approximately how many different purchases there have been involved?

Mr. MILLER. No; I would not attempt to say.

Chairman NYE. Were there 20 or 30?

Mr. MILLER. There was more than 30.

Chairman NYE. More than 40?

Mr. MILLER. Probably 50.

Chairman NYE. Probably about 50?

Mr. MILLER. Yes.

Chairman NYE. And your connections at the time you were hired by the Snake River Land Co. were what with the banking house here in Jackson?

Mr. MILLER. The same as now—president of the bank.

Chairman NYE. Did you receive a salary from the Snake River Land Co.?

Mr. MILLER. Yes, sir.

Chairman NYE. Did you receive commissions in addition to the salary?

Mr. MILLER. No, sir.

Chairman NYE. You were hired outright to make these purchases?

Mr. MILLER. I was paid by the acre.

Chairman NYE. You were paid by the acre?

Mr. MILLER. Yes.

Chairman NYE. What was your pay per acre?

Mr. MILLER. \$1 an acre, under certain time limits, and 50 cents over.

Chairman NYE. What do you mean by that?

Mr. MILLER. Up to a certain time a dollar an acre; over a certain time 50 cents.

Chairman NYE. You discontinued your services with the Snake River Land Co., you testified, on December 31, 1929?

Mr. MILLER. Yes; except completing a few sales that had been made and not completed; for instance, the abstracts of title were not completed.

Chairman NYE. Did you voluntarily discontinue the services?

Mr. MILLER. Yes, sir.

Chairman NYE. You were not asked to discontinue the services?

Mr. MILLER. No, sir.

Chairman NYE. Had there been any controversy on your part, or any differences with the Snake River Land Co., in your operations?

Mr. MILLER. Only to the extent that they thought I was too slow.

Chairman NYE. Was there some displeasure on their part in the fact that you were confining your purchases in or to a given area?

Mr. MILLER. Not that I know of.

Chairman NYE. Weren't they dissatisfied because you had not purchased as much on the west side of the river as they wanted?

Mr. MILLER. They did not say so to me.

Chairman NYE. You then tendered your resignation on December 31?

Mr. MILLER. There was no resignation. My contract expired, and I advised them in advance that I did not care to obligate myself to them further. I also stated I would be pleased to help them continue the project in any way that I could, and I have.

Chairman NYE. Were you holding privately—not as a banker, but as an individual—mortgages on some of these lands?

Mr. MILLER. Yes.

Chairman NYE. You have said, I think, about \$10,000?

Mr. MILLER. Yes.

Chairman NYE. In addition to this the bank, of which you were president, doubtless held mortgages as well, did it not?

Mr. MILLER. I only recall one.

Chairman NYE. Only one such case?

Mr. MILLER. Yes.

Chairman NYE. I take it, then, that the bank had not made material investments in lands up in this section?

Mr. MILLER. It is contrary to the laws of the State.

Chairman NYE. Did the bank own any lands up in that section?

Mr. MILLER. No, sir.

Chairman NYE. Your commissions, then, amounted to something over \$15,000 during that 2½ years you were connected with the Snake River Land Co.?

Mr. MILLER. About thirteen thousand, and it is not all paid for.

Chairman NYE. Have you testified that you still have land up in that section?

Mr. MILLER. Yes, sir.

Chairman NYE. In your own possession?

Mr. MILLER. Yes, sir.

Chairman NYE. Are you wanting to sell it?

Mr. MILLER. No, sir.

Chairman NYE. Would you sell it if you got your price for it?

Mr. MILLER. I would sell anything I have, or ever have had.

Chairman NYE. You have testified, I believe, that you considered that the values were in the neighborhood of \$30 an acre?

Mr. MILLER. Yes.

Chairman NYE. Just what gives the lands that value?

Mr. MILLER. Owing to the location, that is the average value.

Chairman NYE. Yes; speaking of the average value.

Mr. MILLER. Owing to the location and state of cultivation, proximity to water, and so forth.

Chairman NYE. Now, what was the low mark paid for lands purchased by you?

Mr. MILLER. I think \$15 is the low mark.

Chairman NYE. And the high mark?

Mr. MILLER. I do not know of anything over \$40. There might be, however—it has been a number of years since I was in that, with the exception of Teton Lodge. Of course, those values were higher on account of improvements. That wasn't a ranching proposition alone, but a business.

Chairman NYE. You stated that you had indicated, at the time you discontinued your services, a willingness to carry on and help them complete the project?

Mr. MILLER. In a way, I would be glad to assist them, and I still feel that way.

Chairman NYE. Have you been assisting?

Mr. MILLER. Whenever the opportunity presented itself, in this way, that people would frequently come to me and I invariably advised them that if they wanted to sell, that was the opportunity.

Chairman NYE. As an individual, do you have any business interests removed from banking, Mr. Miller?

Mr. MILLER. Oh, I presume, in a way; I would not say what percent.

Chairman NYE. Are you interested in any newspaper project in the community?

Mr. MILLER. No, sir.

Senator NORBECK. Are you still in the cattle business?

Mr. MILLER. No, sir.

Senator NORBECK. You spoke a while ago, I think you named about a dozen ranches that used to be in the upper country here?

Mr. MILLER. No, below.

Senator NORBECK. How many of them remain?

Mr. MILLER. Those above?

Senator NORBECK. Those you named this morning?

Mr. MILLER. Well, there is only one that has sold out; the others are still there.

Senator NORBECK. The others are still operating?

Mr. MILLER. Yes.

Senator NORBECK. Now, speaking of the ability to take care of the elk herd down here, you, as a cattleman, of course, are thoroughly familiar with the winter conditions and winter feeding in bad winters,

and how much hay would it take per elk to take care of them through the winter?

Mr. MILLER. Not in excess of three quarters of a ton.

Senator NORBECK. For 20,000 head it might take up to 15,000 tons of hay?

Mr. MILLER. No; because 20,000 would not be in here on feed; they would be scattered around in little bunches, probably not to exceed half that number.

Senator NORBECK. Probably 7,500 tons would take care of it?

Mr. MILLER. Yes.

Senator NORBECK. Could that number be taken care of on this area up here?

Mr. MILLER. Up here?

Senator NORBECK. Yes.

Mr. MILLER. It could, if all under cultivation, but my object has been to increase the cultivation for the settlers adjoining and create a market for all they could produce.

Senator NORBECK. But half of the southern herd do not come in here?

Mr. MILLER. You probably will have witnesses as to what come in and what do not.

Senator NORBECK. You have already stated that you did not think over half of them come in here?

Mr. MILLER. Yes.

Senator NORBECK. The others range on the public domain or Forest Service land?

Mr. MILLER. Yes.

Senator NORBECK. Largely on what we call the Gros Ventre country?

Mr. MILLER. Not necessarily—on the bordering foothills. Do not misunderstand me, that I say there are 20,000 here every winter, because there are not.

Senator NORBECK. No; but if I understood you correctly, the herd is about 20,000, and only about half of them come in here to winter even in bad winters?

Mr. MILLER. The herd may not be 20,000; it may only be 12,000.

Senator NORBECK. But at the present time?

Mr. MILLER. I do not know what it is now.

Senator NORBECK. Does any considerable number of the elk range up in the Gros Ventre country?

Mr. MILLER. Yes, quite a few; they do not always winter there, however.

Senator NORBECK. As a stockman, do you feel it practical to bunch up 10,000 elk for a long period in a small area, or will they be subject to an outbreak of diseases if that is done?

Mr. MILLER. What would you call a small area?

Senator NORBECK. Well, such as trying to bring that whole herd into winter feeding in this irrigated district; would it be a practical thing to do?

Mr. MILLER. I think it is.

Senator NORBECK. You do not think it would result in what has happened in many other places when wild animals are put together, that disease has spread and infected the whole herd?

Mr. MILLER. No; I do not.

Senator NORBECK. Your thought is that the summering can be done at Yellowstone Park?

Mr. MILLER. The elk do not go to Yellowstone Park necessarily; some of them do, but not all of them.

Senator NORBECK. But to the country north?

Mr. MILLER. They drift north.

Senator NORBECK. If they drift north very far they get into the park?

Mr. MILLER. Yes, sir.

Senator NORBECK. You think that the practical thing is to provide hay for the winter, instead of range?

Mr. MILLER. It is the only way they can winter.

Senator NORBECK. Who has to pay for the hay?

Mr. MILLER. It has to be raised on their own holdings.

Senator NORBECK. I mean, at whose expense?

Mr. MILLER. By the State.

Senator NORBECK. At the expense of the State of Wyoming?

Mr. MILLER. Yes.

Senator NORBECK. You feel the State of Wyoming is willing to carry on this expense of carrying them through in the winter?

Mr. MILLER. They get the revenue.

Senator NORBECK. Yes; and then why should the Government buy this land and put up this hay?

Mr. MILLER. That is the question, whether the Government wants to help the State out that much.

Senator NORBECK. I am just trying to get your idea. I am not clear in my own mind.

Mr. MILLER. I think the State should own the land itself, just the same as you own your own property.

Senator NORBECK. Are they able to acquire it?

Mr. MILLER. I don't know as to that.

Senator NORBECK. Is there any plan for the State of Wyoming to acquire the land to provide for winter feeding?

Mr. MILLER. Not that I know of.

Senator NORBECK. In other words, if nothing is done, then the elk herds——

Mr. MILLER. If feed is not provided, the elk herds will become extinct.

Senator NORBECK. And the State is not making any provision to provide hay?

Mr. MILLER. Oh, yes; they are buying hay.

Senator NORBECK. In what quantity?

Mr. MILLER. I don't know as to that. They had plenty to winter them last winter.

Senator NORBECK. Was last winter a bad winter?

Mr. MILLER. Yes, sir.

Senator NORBECK. How much snow did you have here, on an average, last winter?

Mr. MILLER. I wasn't here. I don't know.

Senator NORBECK. Now, these lands, these patented lands, that you bought, were acquired by homestead entry largely?

Mr. MILLER. Homestead and desert.

Senator NORBECK. In what sized tracts?

Mr. MILLER. From a 160 to 640 acres.

Senator NORBECK. Generally, which?

Mr. MILLER. Usually around 320 acres to the claim—that is, the homestead and the desert.

Senator NORBECK. What percentage of them would you say was free of indebtedness when you bought?

Mr. MILLER. Ninety-five percent.

Senator NORBECK. How long had it been in private ownership at that time?

Mr. MILLER. Oh, for thirty-odd years.

Senator NORBECK. You mean that these 160-acre and 320-acre tracts had been in private ownership and were occupied by the owners?

Mr. MILLER. Yes, sir; most of it.

Senator NORBECK. And were farmed?

Mr. MILLER. Most of it.

Senator NORBECK. And they were raising what?

Mr. MILLER. Hay and grain and livestock. Now you understand when a homesteader takes up a piece of land, he is usually financially embarrassed, and his cultivation increases very slowly. He gets this desert and he spends most of his money on the desert trying to comply with the desert laws.

Senator NORBECK. But of these 50 tracts that you bought, most of them were occupied by the owners at the time you bought them?

Mr. MILLER. Well, possibly 40 percent of them.

Senator NORBECK. And some of them had already been abandoned?

Mr. MILLER. Yes; I should have told you that. I should say that would be about 10 percent of them.

Senator NORBECK. Most of them were occupied by the owners at the time, with very few abandoned places?

Mr. MILLER. Yes, sir.

Senator NORBECK. Now, I do not know whether there is very much difference between these different groups, but you seem to favor the acquisition of all of these lands for a public purpose?

Mr. MILLER. Yes, sir.

Senator NORBECK. But you object to them going into the parks administration?

Mr. MILLER. Yes, sir.

Senator NORBECK. You would have no objection to them going under the Forest Service?

Mr. MILLER. I have no objection to them going under the State administration, either.

Senator NORBECK. You would prefer they would go under the State?

Mr. MILLER. Yes, sir.

Senator NORBECK. And next to that would be the Forest Service?

Mr. MILLER. The Forest Service.

Senator NORBECK. You were formerly connected with the Forest Service, were you not?

Mr. MILLER. Yes, sir.

Senator NORBECK. That is all I have.

Chairman NYE. Do any of the other Senators have any questions they would like to ask Mr. Miller?

Senator CAREY. Mr. Miller, you heard the statement made here yesterday by Mr. Burt that this has been a successful cattle country?

Mr. MILLER. Yes, sir.

Senator CAREY. Now, I suppose, as a banker, you have a knowledge as to what people have done here in the cattle business, and I would like to know whether or not men have been successful in the cattle business here.

Mr. MILLER. Yes, sir.

Senator CAREY. Are they successful at this time in the cattle business?

Mr. MILLER. All cattlemen are; yes, sir.

Senator CAREY. Do you know of any cattleman here that is not comparatively well off—I mean, that he owns more than he owes, doesn't he?

Mr. MILLER. Yes, sir.

Senator CAREY. How successful have they been?

Mr. MILLER. Well, they have all had good homes, three meals a day, and a place to sleep, and they all have good credit any time they want to branch out in addition to what they have.

Senator CAREY. Are there any of these cattlemen heavily indebted to your bank?

Mr. MILLER. No, sir.

Senator CAREY. They could all pay out?

Mr. MILLER. Yes, sir.

Senator CAREY. I understand there is one cattleman here who had made probably sixty thousand dollars in the last 5 years. Is that true?

Mr. MILLER. Several of them.

Senator CAREY. They have?

Mr. MILLER. Yes, sir.

Senator CAREY. Now, I have some figures here from the State board of equalization as to the number of cattle that have been assessed in this valley—I see in 1919 there were over 14,000 cattle. Could there have been that many at that time?

Mr. MILLER. Yes, sir.

Senator CAREY. And that number has been reduced until in 1931 there were 7,868, which would mean there are approximately half the cattle being run in the valley that there was before.

Mr. MILLER. I think there is in excess of that now.

Senator CAREY. These are what were turned in to the State board of equalization.

Mr. MILLER. Yes; I understand.

Senator CAREY. That is all I have.

Senator ADAMS. Mr. Miller, how prosperous have those been in the valley who have been farmers as distinguished from the cattlemen?

Mr. MILLER. Not so prosperous. There is very little market for their produce. The successful rancher is the one who feeds his crops to his livestock.

Senator ADAMS. But you do have some farming as distinguished from cattle raising?

Mr. MILLER. Yes, farming to get established, but as fast as they can they get into the livestock.

Senator ADAMS. Can you give an estimate of the relative proportions of the land that you bought which was bottom land or irrigable land and the part which was sagebrush or upper land?

Mr. MILLER. No; I could not.

Senator ADAMS. There was considerable of the sagebrush land purchased?

Mr. MILLER. Yes, sir.

Senator ADAMS. I notice that the purchases really run along the streams?

Mr. MILLER. Yes, sir.

Senator ADAMS. That is all.

Chairman NYE. Mr. Miller, when you were engaged by the Snake River Land Co. as its man hired in here, were you given any instructions as to how to proceed in the purchase of these lands?

Mr. MILLER. No, only in the general discussions among ourselves. I don't think I was ordered to do anything in here only to buy and use my own judgment.

Chairman NYE. Did the Snake River Land Co. indicate to you in any way that they desired advantages taken of the owners in the purchase of these lands?

Mr. MILLER. No, sir. If they had, we would have severed all connections right now.

Chairman NYE. Was there any suggestion at that time that the Snake River Land Co. wanted the purchases made in a way that would leave the buyer entirely satisfied?

Mr. MILLER. Yes, sir; they always wanted them satisfied.

Chairman NYE. You were not instructed to use any threatening means of forcing a man to sell?

Mr. MILLER. No, sir.

Chairman NYE. And you never did have to use any such means?

Mr. MILLER. I never did, not intentionally.

Chairman NYE. In approaching the owners of the land, what was your information to them relative to the purposes to which these lands were to be put?

Mr. MILLER. That was not discussed. If they asked, I merely said that I didn't know, because I didn't know. I approached very few—I rather preferred they would approach me and I would merely say that there was an opportunity to sell, and if we could agree on a price, well and good, and if we couldn't, all right.

Chairman NYE. Was it easier to purchase these lands—could you purchase them more cheaply at the beginning of your service than you could at the end of the 2½ years that you were so engaged?

Mr. MILLER. I couldn't say that it affected the price at all.

Chairman NYE. I wasn't thinking of the time so much as I was thinking of the general knowledge that must have prevailed finally that there was a market for these lands.

Mr. MILLER. That would only be natural, as the market increased the values would naturally rise.

Chairman NYE. So there was a little rise there?

Mr. MILLER. I don't recall that there was any, but that would only be natural that there was.

Chairman NYE. Do you feel that the Snake River Land Co. practiced any deception in all of this program here in the Hole?

Mr. MILLER. I feel that Mr. Webb did.

Chairman NYE. In what respect?

Mr. MILLER. The information that was introduced yesterday. He told me that it was not in connection with a park creation or park extension.

Chairman NYE. You feel that Mr. Webb had accurate knowledge at that time that the land was to be used in connection with park additions?

Mr. MILLER. I didn't like to admit it, and I haven't admitted it until recently. I have had all the confidence in the world and all the respect in the world for Mr. Webb, but I am forced now to know that he did know it at that time, and I regret it very much.

Chairman NYE. Do you think that there were owners in that territory who would not have sold if they had known that the land was ultimately to be made a part of a park?

Mr. MILLER. I couldn't say as to that.

Chairman NYE. The facts are that those who sold didn't care a great deal what it was to be used for, did they?

Mr. MILLER. Well, they sold because they had something to sell, and a good dealer doesn't ask what you are going to do with it.

Chairman NYE. They had something to sell, and they wanted to sell, for whatever purpose it may be used?

Mr. MILLER. Yes, sir.

Chairman NYE. That is all, unless other members have something.

Senator ASHURST. Everyone in this room knows, of course, what a dude ranch is, but this record will be read by many persons who do not know what a dude ranch is. Therefore, in view of the fact that you seem to be an unusually well-informed man, I wish you would describe what is a dude ranch? Is it educational, commercial, or recreational, or for health—or is it a combination of all? Purely for the record, tell us what a dude ranch is.

Mr. MILLER. I don't know now that I could define it.

Senator ASHURST. What happens at a dude ranch—what goes on there?

Chairman NYE. I think, Senator, you should modify your question.

Senator ASHURST. Well, we all know what a dude ranch is and what goes on on a dude ranch—

Senator ADAMS. Senator Carey said that a cattle ranch is one where you raise cattle, and therefore a dude ranch is one where you—

Senator ASHURST. But when we go back to Washington, there will be members who will read this record, and they will say, "We have sent a committee that was not diligent out there—they have failed to include in this record what a dude ranch is". Now, the term "dude ranch" or the phrase "dude ranch," appears in this record many times, and there will be Senators who will say, "The committee we sent out there have not put into the record what a dude ranch is and what happens on a dude ranch."

Mr. MILLER. What happens on a dude ranch would not be becoming here.

Senator ASHURST. Then I will not pursue that question further. What becoming happens there? Is it for health or recreation or sight-seeing, or is it a commercial activity, or is it a combination of all? It surely has a purpose.

Mr. MILLER. Oh, yes, it has a wonderful purpose.

Senator ASHURST. That is what I want for the record.

Mr. MILLER. Years ago people (and Mr. Burt was one of them) conceived the idea to locate and acquire under the homestead and desert laws tracts of land upon which to build accommodations to take care of the traveling public here, what he calls "dudes," people who would come West to enjoy the outdoor life, such as riding, boating, swimming, fishing, hunting, and generally, a good time, and he has provided this for many, many people, and continues to do it.

Senator ASHURST. Then it is a combination of health, recreation, and sightseeing?

Mr. MILLER. Yes, sir.

Senator ASHURST. So the dude ranches here in this particular country, are they engaged in any commercial activities, then, in the way of stock-raising or farming?

Mr. MILLER. Some of them farm and raise stock on their places in a small way. Mr. Burt said here yesterday that he had a stock ranch, in a way, but the dude ranch proper is not a stock ranch. It is recreational.

Senator ASHURST. I think that is a very fair answer, and it will be of much aid to the Senators who do not know what a dude ranch is, but by reading this record they will get some idea of it.

Senator CAREY. It is a seasonal business, lasting in this country up here about 3 months out of the year?

Mr. MILLER. Just about 3 months of the year, purely summer recreation.

Senator ASHURST. It seems to be a sort of a dignified, high-toned, tourist camp?

Mr. MILLER. Yes, sir; and we welcome them here.

Senator ASHURST. Now, Mr. Miller, you were employed by this land company, the Snake River Land Co., under a contract to purchase these lands, were you not?

Mr. MILLER. Yes, sir.

Senator ASHURST. Will you furnish for the record a copy of the contract under which you were employed, if it is not too much trouble for you?

Mr. MILLER. I haven't one here.

Chairman NYE. Do you have one in your office?

Mr. MILLER. I think you will have access to those copies with the originals. They are in Mr. Webb's office.

Chairman NYE. Mr. Pickett, do you have copies of this?

Mr. PICKETT. No, I haven't a copy of this contract.

Mr. MILLER. Those can be obtained——

Senator ASHURST. I don't want to pursue anything that might be private. You have no objection, have you?

Mr. MILLER. I would rather have them produce them than me. It would be more becoming.

Senator ASHURST. That may be true, but you do not object to furnishing a copy?

Mr. MILLER. I would rather not furnish it.

Senator ASHURST. You would rather not furnish it?

Mr. MILLER. Yes, I would rather Mr. Webb would furnish it.

Senator ASHURST. As a matter of courtesy?

Mr. MILLER. Yes.

Senator ASHURST. I think you are right about that.

Mr. MILLER. I would rather not.

Senator NYE. Mr. Miller, was that contract a term contract?

Mr. MILLER. Not necessarily from year to year, but from time to time; it was amended occasionally.

Senator NYE. You have said that your contract expired on December 31——

Mr. MILLER. Yes, the last contract I had expired on December 31.

Senator NYE. 1929?

Mr. MILLER. 1929.

Senator NYE. There was more than one contract, then?

Mr. MILLER. The original was amended from time to time.

Chairman NYE. That is all. Do any of the other members have anything more, or Mr. Pickett? If not, that is all, Mr. Miller. Thank you.

TESTIMONY OF HAROLD P. FABIAN

Mr. PICKETT. Your name is Harold P. Fabian?

Mr. FABIAN. Yes.

Mr. PICKETT. And you are an attorney at law at Salt Lake, Mr. Fabian?

Mr. FABIAN. Yes.

Mr. PICKETT. With whom are you associated?

Mr. FABIAN. With Beverly C. Clendenin.

Mr. PICKETT. He is your partner?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. And that law firm is know as Fabian & Clendenin?

Mr. FABIAN. That is correct.

Mr. PICKETT. Located in the Continental Bank Building at Salt Lake City?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. You are at this time, and have been since its corporation the vice president of the Snake River Land Co.?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Where was that company organized?

Mr. FABIAN. In the State of Utah. The articles were drawn up in my office by myself.

Mr. PICKETT. And it is a Utah corporation?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. When did you first become acquainted with the project in this valley which was continued and kept in progress by the Snake River Land Co.?

Mr. FABIAN. I first heard of it sometime during the winter months of the winter of 1926 to 1927, I believe. Mr. Albright, who had been a classmate of my partner's, and with whom I later became acquainted, with Mr. Clendenin told me that there was in contemplation a project for a recreational development in the Jackson Hole area. He knew of my general fondness for this section of the country and of several trips that I had made into this country, and he asked me if I would be interested in handling the legal work for whatever group it was that was going to carry on this project in purchasing the privately owned lands. Nothing was said about what it was expected to be, excepting that it was a philanthropic undertaking and that I would have to expect my remuneration to be mostly my own satisfaction in participating in the undertaking, rather than any financial rewards.

Chairman NYE. Whose conversation are you speaking of now?

Mr. FABIAN. Mr. Albright's and mine.

Mr. PICKETT. Where did you and Mr. Albright meet at that time, here or in Salt Lake City?

Mr. FABIAN. In Salt Lake City. He was then the superintendent of the Yellowstone, and he frequently came through Salt Lake City on his way either west or east, on which trips he would stop in Salt

Lake City to see Mr. Clendenin and myself for an hour or two or longer. This was one of those occasions.

MR. PICKETT. You had known him over a period of years?

MR. FABIAN. Yes, I had known him for several years then—I do not recall how many.

MR. PICKETT. He was a boyhood friend of Mr. Clendenin's?

MR. FABIAN. Yes.

MR. PICKETT. But you were selected as the member of the firm to carry on the work, and not Mr. Clendenin?

MR. FABIAN. Yes. That was probably for this reason, Mr. Clendenin was a California man, while I am a native of Salt Lake, and I have also taken a great deal of interest in the outdoors and the mountains, and Mr. Albright does likewise, and through that our friendship very rapidly grew, and I am very certain that his taking this up with me was because of the fact that he knew of my general interest in the country and its traditions and history, and so forth, and that I had been here in Jackson Hole several times, and I had my own boy on a dude ranch the year before, or, I think, 2 years before.

MR. PICKETT. Do you recall about when that conversation was?

MR. FABIAN. No; I do not, any more than I told you. It was sometime in the winter months of 1926 to 1927.

MR. PICKETT. When did you next hear of the project, if you recall, approximately?

MR. FABIAN. I think the next I heard of it was when I got word from Mr. Webb that he wanted to come out here and go over the start of the project. I think I got a letter from him first asking my idea or what we should do, and that was followed very shortly by some communication from him which resulted in a meeting in May 1927 at my office, between Mr. Miller and myself, concerning which Mr. Miller has testified.

MR. PICKETT. Had you known Mr. Webb previous to that time?

MR. FABIAN. No; I had not.

MR. PICKETT. Did he tell you why he came to you?

MR. FABIAN. I do not remember whether he told me that or not, but I know why he did that. He did because Mr. Albright recommended it to him.

MR. PICKETT. What was the result of that conference which you mentioned in which Mr. Webb and Mr. Miller and you participated?

MR. FABIAN. I think, if you will permit me to read from this—

MR. PICKETT. Yes; I am sure the committee would permit you to refresh your memory from anything you may have.

Senator ASHURST. I hope the witness will feel free to refer to any notes or papers as he wishes. Certainly, he could not keep all of this correspondence in mind.

MR. FABIAN. I will read from page 44 of this pamphlet containing these letters which have been introduced. [Reading:]

The results of our conferences may be summarized as follows: (1) Mr. Miller and I were advised that the sum of \$1,000,000 would be available for the purchase of lands—

Senator ASHURST. Who advised that?

MR. FABIAN. Mr. Webb. [Continuing reading:]

(2) Neither Mr. Miller nor I was advised at that time, or for a year or more later, as to the identity of the principal or principals for whom we were acting—

Senator ADAMS. You didn't even have any suspicions?

Mr. FABIAN. Not the slightest. [Continuing reading:]

(3) Both Mr. Miller and I, however, were assured that the lands to be purchased would be devoted to the use and enjoyment of the public.

(4) Mr. Miller stated that a substantial number of the people in the valley whose lands were included in the plan of purchase were neighbors and friends of his of long standing, and that many of them were in financial distress, and that he would not care to be a party to any plan for taking advantage of their financial condition, but would expect to make all purchases at fair prices. Mr. Miller and I were both assured that there was no intention or desire to take advantage of the financial distress of any of the property owners and that he would be expected to pay fair values in all cases.

(5) Proposed property schedules were then worked out in detail, showing the individual parcels of property involved and the prices at which Mr. Miller thought they could be purchased on the basis referred to above

I was not a party to the preparation of these schedules—I am not reading now—but that was done by Mr. Miller and Mr. Webb, and I knew nothing about the values of the lands nor their ownership.

Now, to go on with this pamphlet [continuing reading]:

(6) Mr. Miller stated that he would like to have the assistance of Mr. P. W. Spaulding of Evanston, Wyo., as local counsel, whom he had known for many years and who he felt would be of great help to him in title matters and other legal questions. It was agreed that this would be arranged.

(7) The compensation which Mr. Miller was to receive as purchasing agent was discussed and it was agreed that it should be arranged on the basis of the acreage purchased.

(8) It was agreed that a corporation should be organized under the laws of the State of Utah in which title could be taken to all properties purchased, as such a corporation would give no indication that the purchases were being made on behalf of eastern people.

Senator ASHURST. That would seem to indicate that there was some desire to conceal, or, at least, not to reveal the parties contributing the money. Now, do you know of your own knowledge why you did not organize this corporation under the laws of the State where the land lies?

Mr. FABIAN. Yes.

Senator ASHURST. State what that was.

Mr. FABIAN. It was appreciated that immediately any purchasing program of this sort was undertaken prices would go up, that there would be a rapid advance of prices. It was hoped that that could be avoided if the purchasing program could be carried out through a number of agencies that would be naturally supposed to be buying properties here without exciting suspicion. In fact, Mr. Miller thought it would be well to have some of the property taken in the name of one or two individuals in whom he had confidence. We started in with the organization of simply the one company as a land or stock company, but we did not use the word "stock" because it was not properly descriptive, and we had in mind at that time that we would probably organize other corporations and have other individuals buy. We did not do that, however. We started in on the program, and very rapidly, or very quickly, as a result of these withdrawals and the commotion that was raised by it, the thing took an entirely different turn.

Senator ASHURST. What was that different turn?

Mr. FABIAN. The program was taken up and discussed with quite a number of people in the East, all of these people that Mr. Miller has talked of. As a matter of fact, Mr. Miller and I both rather disapproved of trying to purchase these lands secretly. We did not at this first conference, but we did later on in the summer, in September,

when Mr. Webb was out here. We met Mr. Miller here, Mr. Webb and I, and had a conversation with him on his porch, in which we both said that we thought that we ought to say that we were buying this land, but we did not know who was buying it or what was the general purpose or what the program was to be, except it was a general recreational program. But the people who were our principals, or our superiors, it has since developed, had had experience in purchasing lands in other places, and, in any event, we did what they told us to.

Senator CAREY. Mr. Fabian, were you instructed at any time by Mr. Albright not to advise Mr. Miller that he was interested in these purchases?

Mr. FABIAN. Yes, sir.

Senator CAREY. What was the reason that Mr. Albright did not want Mr. Miller to know that?

Mr. FABIAN. Right at the start, Mr. Albright told me that Mr. Miller was probably going to purchase these lands, that he was the best man in here to do it, and he said that Mr. Miller had been an old Forest Service man, and had been opposed to the Park Service and to Mr. Albright personally for a number of years, and he was quite hostile to him, and he felt that if he knew that Mr. Albright had anything to do with the inception of this that Mr. Miller would probably not have anything to do with it because of his personal animosity to Mr. Albright. Mr. Albright said that he regretted this, and that he hoped that I might be able to bring Mr. Miller into a more friendly relationship and contact with Mr. Albright through this project.

Senator ASHURST. May I interrupt you again? Inasmuch as the lands to be purchased lie within the State of Wyoming, do you know why the corporation was organized under the laws of another State?

Mr. FABIAN. Yes; principally because I was organizing it, and it was just simply, well, it was just a dummy corporation and I organized it in my office. Of course, it was qualified to do business in Wyoming.

Senator ASHURST. Of course, I recognize your capacity and ability. You had no idea of forming the corporation in Utah to bring up the question of diverse citizenship in case of lawsuits? That was not in your mind at that time, was it?

Mr. FABIAN. I would not say that that was not in our minds. On the other hand, I would not say it was our principal motive. However, I do think that if we had not organized it in Utah we probably would have organized it in Delaware or some other State. We did think about that.

Senator ASHURST. So that if a controversy arose, you could get into the Federal court?

Mr. FABIAN. Yes, sir. We were organizing a pretty big thing out here, and I had that in mind when I did it.

Senator ASHURST. I do not suggest anything improper in it. I want to know the reason.

Mr. FABIAN. Yes, sir.

Senator CAREY. One other question. In this conference with Mr. Albright, was the matter of what was to be done with this land discussed?

Mr. FABIAN. No; it was not. I did not know until the summer, or in July 1930, that this land was going into a park. When we

started, or when I first started in, in 1927, I did not know at all what they were going to do with it. I did not have any idea, and I do not believe that Mr. Miller did, because he could not have had any more information than I had about it. That was the subject of some discussion that I had with Mr. Webb and with Mr. Chorley on a number of occasions. Mr. Chorley is Mr. Rockefeller's representative, who has charge of several of his philanthropic undertakings, and this Snake River Land Co., is one that is under his direct charge. I told him that I would like to know myself what we were trying to do—that is, what was to be the ultimate program. Of course, in many cases, many people wanted to know, and I would have liked to be able to tell them. As the project developed, later on, when the Teton Park was created, it became crystallized—not crystallized, either—but people began to feel that these lands should be added to the Teton Park to the extent of extending Teton Park easterly to the west bank of the Snake River. I think on one occasion Mr. Miller discussed that with me, and he said to me that he supposed that something like that would happen. It seemed the natural development that the land lying on the east side of the Snake River, which would be adjoining the ranch that was then owned and being operated by the Biological Survey in the southern part of the valley, should go into the Biological Survey and be operated as a game project. That all has just grown up from the beginning of the thing. In fact, I do not know now what is going to be done with it.

Senator CAREY. No; no one else does.

Mr. FABIAN (continuing reading):

The results of the conferences in Salt Lake City were summarized in a letter written to Mr. Miller by Mr. Webb under date of June 15, 1927, after Mr. Webb's return to New York. Mr. Webb's letter was in the form of a proposal to be accepted by Mr. Miller, so that upon its acceptance it would constitute a contract between them.

The project as outlined in Mr. Webb's letter to Mr. Miller of June 15 was, however, made conditional upon obtaining satisfactory assurance on the three following vital factors:

(1) The policy of the Forest Service as to the administration of the forest lands in this general area.

(2) The withdrawal of land in this area which was still owned by the Federal Government and open to public entry. This was essential to prevent such land from being filed on by speculators attracted by the purchasing program and from thus becoming private property which also would have to be purchased.

(As to both of the foregoing factors, Mr. Webb expected shortly to be satisfied from Washington.)

(3) The policy of the State of Wyoming in regard to the school sections in this general area. (Mr. Webb felt it essential that some assurance be obtained from the State of Wyoming that it was in sympathy with the project and that no more of the land in these school sections would be sold to private owners or disposed of—)

Senator ASHURST. For the record, those school sections were sections 16 and 36?

Mr. FABIAN. Yes.

Senator ASHURST. In every township?

Mr. FABIAN. Yes. (Continuing reading:)

in any way by the State, if the project should be carried through.)

As to this third factor, Mr. Miller was requested to advise Mr. Webb whether he was in a position to take the matter up with the proper State authorities, and if not, how he would advise covering the situation.

The conclusions reached at that meeting were dependent upon the satisfactory assurances as to those three conditions, and nothing was

to be done until those three conditions were satisfied and we were advised to that effect.

Mr. PICKETT. Was the matter of the withdrawal of the public land discussed there to some extent, Mr. Fabian?

Mr. FABIAN. No; not that I remember. They were handling that in the East.

Mr. PICKETT. Mr. Webb said that he would take care of that matter?

Mr. FABIAN. Yes.

Mr. PICKETT. And shortly after that, there was a withdrawal of the unappropriated land within this area?

Mr. FABIAN. Yes; that was the withdrawal of July 7, 1927. That was the first one of a series. There were four of them altogether over a period of 2 years.

Senator NORBECK. Just to clarify the record, that land that was withdrawn was subject to location by homesteaders?

Mr. FABIAN. Yes.

Senator NORBECK. For how long—30 or more years?

Mr. FABIAN. I suppose that is the case.

Senator NORBECK. And the only reason they were still public domain was that nobody wanted them free; isn't that it?

Mr. FABIAN. I assume so. The area in which we were purchasing is not within the forest reserve. In fact, there were three classes of land in that area: (1) Privately owned land; (2) some school sections, though not very many; (3) unappropriated public land that was open to entry by settlers and entrymen if they wanted it.

Senator NYE. At that stage, Mr. Fabian, was there much activity with respect to homesteaders filing in that territory?

Mr. FABIAN. Senator, I cannot tell you that, because at that time I had only been in here as a traveler, and had been in on a hunting trip or two, and so forth, so I cannot answer that point.

Senator NORBECK. But if they had realized that the land might be purchased by you people, they might have filed on it?

Mr. FABIAN. I am very sure they would.

Senator NORBECK. In fact, there were some filings after this withdrawal, weren't there?

Mr. FABIAN. Yes, sir.

Senator NORBECK. So that July 7 order did not withdraw all of the land?

Mr. FABIAN. No. That July 7 withdrawal was not well prepared.

Senator ASHURST. You mean that it was defective as to some of the descriptions?

Chairman NYE. For the information of the committee and the witness, this map that is before us now is a map showing the various withdrawals they were engaged in during the period of controversy. I rather think Mr. Fabian might want to refer to that during his testimony.

Mr. PICKETT. Possibly we had better identify it.

Chairman NYE. This map will be considered as exhibit 4. This map shows the unappropriated land withdrawn from settlement in the vicinity of southern Yellowstone and the Grand Teton National Parks.

Senator ASHURST. Do you know who prepared the withdrawal?

Mr. FABIAN. No; I am not sure who prepared it, but they had it prepared in the East. I did not see this withdrawal until some time

later. In fact, I did not see any of them until some time later—I got them only when I asked for them some time after they had been made. The July 7 withdrawal, however—to answer the question that was asked by Senator Ashurst—was made in an effort to pick out every piece of land that was public domain instead of making it by townships.

Senator ADAMS. That is represented on this map by the blue with the horizontal lines drawn through it?

Mr. FABIAN. I haven't seen the map.

Senator ADAMS. That is what the legend says here on the map.

Mr. FABIAN. Then I assume that is correct.

Senator CAREY. That was a blanket withdrawal?

Mr. FABIAN. No; it was not.

Senator CAREY. It was the largest?

Mr. FABIAN. In April of the next year, 1928, a second withdrawal was made. That was supposed to include everything within this area.

Senator CAREY. That was the withdrawal Mr. Miller referred to?

Mr. FABIAN. No; I don't think he referred to the one in 1928. I think he referred to the first withdrawal of April 1927; that being the Elk commission project, and this subsequent withdrawal of July 7, 1927, which was made for the benefit of the project we are discussing.

Senator NORBECK. There were three withdrawals?

Mr. FABIAN. No; there were 5, 3 being subsequent to this one.

Chairman NYE. For the purpose of the record, let's establish the time of these withdrawals.

Mr. FABIAN. There was the Executive order of July 8, 1918; one on April 15, 1927—that one of April 15 was for the elk commission project—then there was this withdrawal of July 7, 1927; a fourth withdrawal on April 16, 1928; a fifth withdrawal on February 4, 1929; another withdrawal on September 2, 1930; still another on November 13, 1930; and then on March 8, 1930, there was a revocation of Executive Order 5296.

Chairman NYE. That doesn't seem to identify or to be identified as any one of these withdrawal orders that we have made reference to.

Mr. FABIAN. I do not know what these lands were. I hadn't heard of them before.

Senator CAREY. Weren't these withdrawals for the elk—wasn't that the purpose of the withdrawals—I mean, the official purpose?

Mr. FABIAN. I was just going to suggest that you get these withdrawal orders, because I do not remember what they said officially.

Chairman NYE. Do you have the withdrawals, Mr. Pickett?

Mr. PICKETT. I don't know whether I have them with me or not. However, I have copies. These withdrawals subsequent to July 7, 1927, were supplemental to the previous withdrawals?

Mr. FABIAN. Yes, the three that I read following the withdrawal of July 7, 1927, were supplementary to that one.

Mr. PICKETT. And made for the purpose of completing with withdrawal within that area?

Mr. FABIAN. Yes, sir.

Chairman NYE. Mr. Pickett, for the purpose of making the record complete at this point, is there any reference in the withdrawals to the question of the purpose?

Mr. PICKETT. Yes.

Chairman NYE. There is?

Mr. PICKETT. Yes.

Chairman NYE. Don't you think it would be well if those withdrawals were to be a part of the record at this point?

Mr. PICKETT. I intended that they should be made a part of the record, but I do not have them with me at this time.

Chairman NYE. Perhaps you have another place that you would rather insert them?

Mr. PICKETT. No, I haven't any other place.

Chairman NYE. Well, since this has arisen at this point, I suggest that they be inserted at this point.

(Whereupon, exhibits 5, 6, 7, 8, and 9 were ordered to be made a part of this record, the same being in words and figures as follows:)

EXHIBIT No. 5

EXECUTIVE ORDER—WYOMING

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847) as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that the following described areas in the State of Wyoming be, and they are hereby withdrawn from settlement, location, sale or entry, subject to the conditions and limitations of said acts, for classification and pending determination as to the advisability of reserving the lands for elk-refuge purposes:

SIXTH PRINCIPAL MERIDIAN

In T. 41 N., R. 115 W., NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 5, NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 17;

In T. 42 N., R. 115 W., NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 33;

In T. 41 N., R. 116 W., lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 1.

This order shall continue in full force and effect unless and until revoked by the President or by an act of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 15, 1927.

(No. 4631)

EXHIBIT No. 6

EXECUTIVE ORDER—WYOMING

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that the following described public lands in Wyoming be, and the same are hereby, temporarily withdrawn from settlement, location, sale or entry, subject to the conditions and limitations of said acts, in aid of proposed legislation:

SIXTH PRINCIPAL MERIDIAN

In T. 44 N., R. 113 W., unsurveyed what will probably be when surveyed the N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ sec. 18;

In T. 44 N., R. 114 W., E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 5, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 9, S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ sec. 15, NE $\frac{1}{4}$ sec. 16, NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 17, lot 3 sec. 18, lots 1, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 20, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 30;

In T. 42 N., R. 115 W., lot 4 sec. 6, lots 1, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 17, lot 1 sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 29:

In T. 43 N., R. 115 W., lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ sec. 2, all secs. 4 and 4, lot 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 8, all sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 15, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 17, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 30, lot 4 sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 34;

In T. 44 N., R. 115 W., all secs. 1 and 2, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 3, all secs. 10 and 11, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 13, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 14, all sec. 15, lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 18, all sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 21, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, lots 1, 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and lots 4, 5, sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 26, lots 1, 2, 3, 4, 5, 6, 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 27, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 28, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 29, all secs. 30 and 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 1, 3, 4, 5, sec. 33, all secs. 34 and 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 36.

In T. 40 N., R. 116 W., N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 32.

In T. 41 N., R. 116 W., NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 10, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 19.

In T. 42 N., R. 116 W., E $\frac{1}{2}$ E $\frac{1}{2}$ sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 12, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 13, NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 14.

In T. 43 N., R. 116 W., E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 26.

In T. 44 N., R. 116 W., lot 8, sec. 24, lots 1, 4, 5, 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$, lot 4 sec. 36.

In T. 40 N., R. 117 W., NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 26.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE, July 7, 1927.

(No. 4685)

EXHIBIT No. 7

SUPPLEMENTAL EXECUTIVE ORDER—WYOMING

It appearing that the withdrawal in aid of proposed legislation made by Executive order of July 7, 1927 (no. 4685), should be modified by adding certain lands and by releasing certain lands, it is hereby ordered, under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), that the public lands in the following-described areas in Wyoming be, and the same are hereby, temporarily withdrawn from settlement, location, sale or entry, subject to prior valid claims and the conditions and limitations of said acts:

SIXTH PRINCIPAL MERIDIAN

In T. 44 N., R. 113 W., secs. 5, 6, 7, 8, and N $\frac{1}{2}$ sec. 17;

In T. 45 N., R. 113 W., those portions of secs. 21, 22, 23, 26, 27, 28, 29, 30, 33, 34, and 35 not in Teton National Forest and all secs. 31 and 32;

That portion of T. 44 N., R. 114 W., not included in said national forest nor in the aforesaid withdrawal of July 7, 1927;

In T. 45 N., R. 114 W., those portions of sections 26, 27, 31, 32, 33, and 34 not in said national forest and lots 1, 3, and 6, section 36;

Those portions of Tps. 42, 43, and 44 N., R. 115 W., not included in said national forest nor in the withdrawals of April 15 and July 7, 1927;

In T. 42 N., R. 116 W., those portions of sections 1, 11, 12, 13, and 14 not included in the withdrawal of July 7, 1927, all sections 2 to 10, inclusive, 15 to 28, inclusive, those portions of sections 29 and 32 east of the Snake River, sections 33, 34, 35, and 36;

That portion of T. 43 N., R. 116 W., not included in a national forest nor the withdrawal of July 7, 1927;

That portion of T. 44 N., R. 116 W., not included in a national forest, reclamation withdrawal, nor the withdrawal of July 7, 1927.

And it is further ordered that the aforesaid order of July 7, 1927, be, and it is hereby revoked insofar as it affects the hereinafter described lands:

In T. 40 N., R. 116 W., $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ sec. 28, $S\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{4}$, $SE\frac{1}{4}$ sec. 31, $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ sec. 32;

In T. 41 N., R. 116 W., $NE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ sec. 10, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ sec. 15, $SE\frac{1}{4}SE\frac{1}{4}$ sec. 18, $NE\frac{1}{4}NE\frac{1}{4}$ sec. 19;

In T. 40 N., R. 117 W., $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ sec. 26.

And it is also hereby ordered that, pursuant to Public Resolution No. 29 of February 12, 1920 (41 Stat. 434), as amended January 21 and December 28, 1922 (42 Stat. 358, 1067), the public lands in the released areas, subject to valid rights and where included in a phosphate reserve to the conditions applicable to lands so reserved, shall be opened only to entry under the homestead and desert land laws by qualified ex-service men of the War with Germany, under the terms and conditions of such resolution and the regulations issued thereunder, for a period of 91 days, beginning with the 63d day from and after the date hereof, and thereafter the remaining public lands in the released areas will be subject to appropriation under any public land law applicable thereto by the general public. Subsequent to the date hereof and prior to the date of restoration to general disposition as herein provided, no right may be acquired to the restored land by settlement in advance of entry, or otherwise, except strictly in accordance herewith.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE,

April 16, 1928.

(No. 4857)

EXHIBIT No. 8

SUPPLEMENTAL EXECUTIVE ORDER—WYOMING

It appearing that the withdrawals in aid of proposed legislation made by Executive orders of April 15, 1927 (no. 4631), July 7, 1927 (No. 4685), and April 16, 1928 (no. 4857), failed to include certain lands in the townships described below desired for elk refuge purposes, it is hereby ordered, under authority of the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), that all of the following described area in the State of Wyoming, not included within the boundaries of national forests, be, and the same is hereby, temporarily withdrawn from settlement, location, sale or entry, subject to prior claims legally initiated and maintained and to the conditions and limitations of said acts:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., ranges 115, 116, 117 W.

T. 43 N., ranges 115, 116 W.

T. 44 N., ranges 113, 114, 115, 116 W.

T. 45 N., ranges 113, 114 W.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE,

February 4, 1929.

(No. 5040)

EXHIBIT No. 9

EXECUTIVE ORDER—WITHDRAWAL OF PUBLIC LANDS FOR CLASSIFICATION—WYOMING

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that the public lands hereinafter described in the State of Wyoming, be, and the same are hereby, temporarily withdrawn for classification and in aid of legislation, subject to the conditions of the aforesaid acts and to valid existing claims:

SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 115 W., NW¼SE¼, NE¼SW¼, and lots 3, 5 and 7, sec. 36.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

HERBERT HOOVER.

THE WHITE HOUSE,
September 2, 1930.

(No. 5436)

Mr. PICKETT. The matter of the purpose of these withdrawals was not discussed at this meeting that you have just gone over, Mr. Fabian, as I understand?

Mr. FABIAN. No, sir. You say the purpose was not discussed?

Mr. PICKETT. I mean the basis or the grounds that was to be given.

Mr. FABIAN. No.

Mr. PICKETT. You weren't interested in that?

Mr. FABIAN. No.

Mr. PICKETT. Did he give you assurance at that conference that these requirements would be taken care of in the East?

Mr. FABIAN. Yes; he said he thought they had it arranged, and they expected to get them very readily in Washington.

Mr. PICKETT. And they did?

Mr. FABIAN. Yes; they advised us that they had.

Mr. PICKETT. You say that you were given no information as to the purpose of this project at the time?

Mr. FABIAN. Not then, nor even for a number of months, or probably a couple of years afterwards, before I could find out at all what they were going to do, simply because, I am sure, they did not know.

Mr. PICKETT. I don't quite understand how you were participating in a plan of this size without knowing something about it.

Mr. FABIAN. That is what bothered me, and that is why I tried to find out.

Mr. PICKETT. You simply thought that you were employed as an attorney and it wasn't any of your business?

Mr. FABIAN. Well, that was the fact, but I know that Mr. Webb did not know what they were going to do with it specifically.

Mr. PICKETT. They assured you it was to be for governmental purposes—that it was to be turned over to the Government for administration?

Mr. FABIAN. I am not sure that they said it was to be turned over to the Government then—maybe they did—but the only thing that I was certain of was that it was to be a recreational thing, that it was to be for the public, and was not to be for any private purpose.

Mr. PICKETT. There has been testimony here that it was for the preservation of a wilderness area and the conservation of the wild life. Was that matter revealed to you, that much of it?

Mr. FABIAN. Yes.

Mr. PICKETT. Were you given any idea as to just what was to be done here within this area to conserve that particular feature of it?

Mr. FABIAN. I can probably best answer that by telling you of a trip that Mr. Webb and I made—not with Mr. Miller, because we came up here to see him—in the fall of that year. Mr. Webb came out—I think it was sometime in September of 1927—and he and

I came up here and spent a week or 10 days going over this project here. In the preliminary talks we had had in May, the plan was a very desultory sort of a thing. As far as I had been able to gather—and I am telling now of something that I did not know, but it is just my own opinion and conclusion from what I had read—the idea was to have a project here that would include the entire Jackson Hole, and the purchases that were to be made at this first conference were not all in a solid area, but they were tracts, some in the north part of the valley and some further south. I think their intention then was mostly all taken up with the stopping of the unsightly roadside development in the places where unattractive buildings, such as gasoline stations and little cabins, and so forth, were growing up and were threatening to increase. Their immediate objective seemed to be at that time to buy these places that would threaten in that way and to stop them. When Mr. Webb and I went up there in 1927, we spent a great deal of time in going over the valley, and it was our judgment that what we were undertaking to do should not take in the lower part of the valley, and we felt that a line drawn roughly across Blacktail Butte and the Menors Ferry Bridge—you will probably remember where that bridge is—

Senator NORBECK. How far from this town?

Mr. FABIAN. Just about 13 miles.

Senator NORBECK. And how far to the butte?

Mr. FABIAN. The butte is right by the north end of the bridge. We thought that we should confine what we were doing to the valley north of that, for two reasons. In the first place, the valley opens up north of that butte and becomes a sort of an entity by itself. In the second place, the country to the south seemed to be a great deal better country from an economic point of view, from the point of view of production. There seemed to be good ranches in the southern part, in what they call the Spring Gulch, and we knew that it would be expensive to buy, and there did not seem to be any particular reason for going down there. We discussed that with Mr. Miller, and Mr. Miller apparently agreed with us on it, and he had some suggestions about it. He said that on the east side of the valley the Biological Survey and the Izaak Walton League had acquired properties near the town of Jackson, and that they had done that for the benefit of the game, and they were then proposing to have the Government purchase, I think it was around 12,000 acres of land adjoining that Izaak Walton League and Biological Survey property on the north, and the reason for that was they were increasing those game properties so as to be able to take care of the elk as they came down in the wintertime, as they were driven from the game country which lies to the northeast here as the snows came on.

So he suggested that we drop our line below that which we had contemplated on the east side of the river to meet this proposed purchase, which would aid in the settlement of the elk problem—these lands have been referred to here as the Winter bill lands—so there would be a free and uninterrupted driftway, as he called it, for the game coming down the east side of the river as they were driven out by the snows in the wintertime and as they would move back again in the summertime, so that the elk could move freely back and forth and so that the farmers would not be there to bother them, and so, in turn, the farmers would not be bothered. We agreed with him on that.

Then, on the west side—which is really on the east side of the river—on the lower part, where the main highway comes over the Ferry Bridge toward the town of Jackson, and lying just to the west of Blacktail Butte, it presents a magnificent view of the Tetons as one comes out of Jackson and travels north, and he suggested that sufficient lands be purchased along the roadside down southerly to protect the road approach to the Tetons, and that a large tract of land that lay between these two along the north of the Gros Ventre, known as the “JP Ranch”, be included with it, and we agreed with all of that.

Senator ADAMS. Mr. Fabian, who is responsible for the telephone poles along there between the view of the Tetons and the road as you drive along north of here?

Mr. FABIAN. That is a matter that has just come up in the last 2 or 3 months, Senator Adams. There is a new telephone-pole line on the east side of the highway which the telephone company has just put in, for which they wanted a right-of-way over our property, and they were very good in meeting our point of view. I suggested that we did not want that scenery marred, and they were very accommodating and changed their lines somewhat. I think that line is all on the east side. I do not remember whether there is an old pole line on the west, but—

Senator ADAMS. I was out there last evening and tried to take some pictures, and I had some difficulty in dodging telephone poles. That is the reason for the inquiry.

Mr. FABIAN. I think the Mountain States Telephone Co. has got its lines just as well out of the way as it can. They cross the highway just where the highway comes out of Flat Creek, and where you get the first view of these Tetons, they crossed, I understand, a little above there, where it would interfere with the first view of the Tetons, but I think they moved it down below that; so, while we have to go under those wires, it really does not interfere with the view.

Senator ADAMS. It is just a trifling matter, but I just wondered why it was overlooked.

Mr. FABIAN. The reason I have answered it fully, it has come up twice. This is the second time that has come up.

Mr. PICKETT. I think it is in process of being removed now.

Mr. FABIAN. They have been very much interested in it.

Chairman NYE. They have cooperated with you in every possible way?

Mr. FABIAN. Fully.

Mr. PICKETT. Now, Mr. Fabian, you mentioned a few minutes ago that you had a different idea as to what should be the extent of these purchases before you and Mr. Webb came out here. Now, did I understand—

Mr. FABIAN. I didn't say I had a different idea.

Mr. PICKETT. You were given a different idea?

Mr. FABIAN. What I gathered from it; yes, sir.

Mr. PICKETT. Did I understand you to say that before you made the trip in here that the plan was to purchase the entire Jackson Hole area?

Mr. FABIAN. No; that was not the plan. I said “as far as I can gather.” That is something that you will have to get directly from Mr. Webb and Mr. Chorley. But, as far as I can gather, they had an idea that eventually it would take in the whole Jackson Hole,

and they were going to start in by purchasing those places that were particularly threatened.

Mr. PICKETT. This was, then, according to your understanding, just the commencement of a program to purchase the entire Jackson Hole area?

Mr. FABIAN. That is the way it looked to me, as though they had that in mind.

Mr. PICKETT. Did you ever discuss that after that with them?

Mr. FABIAN. Yes; I discussed that with Mr. and Mrs. Rockefeller for 2 or 3 minutes.

Mr. PICKETT. Do you know whether or not the present view is just to make these purchases as a commencing point for the acquisition of the entire valley?

Mr. FABIAN. No, sir. That plan that was agreed upon between Mr. Webb and Mr. Miller and myself has never been substantially changed except to exclude Mormon Row subsequently and to add the JY Ranch to take in Phelps Lake. I think, if there has been any variation at all, it was just as a matter of correcting a boundary. There has not been since that time, and there is not now, to the best of my knowledge, any other program.

Senator ADAMS. I gather from a statement of yours in this pamphlet that the owners of the property that you described as Mormon Row wanted to be included rather than excluded in this project?

Mr. FABIAN. I think they did, and I think they still do.

Mr. PICKETT. They were originally included?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Do you know why they were excluded?

Mr. FABIAN. Mr. Webb and I were not going to include their tracts because the Mormon Row lies right across that sagebrush flat that is called "Antelope Flat" and over to the forest boundary, which would leave that out and leave that land untouched, but we were very much impressed—we thought Mr. Miller was entirely correct in all three of the additions that he made, on the extension of the J P Ranch, which was washed out by the flood, which makes a much better boundary to the south, and which makes a better connection with the Winter bill lands, and he told us, and we believed it to be a fact, that the elk drift down across the Mormon Row ranches there as if the ranches weren't there, and this would give them a free drift down on the east side of the valley.

Mr. PICKETT. Referring to this map, exhibit 1, the legend shows the red to be land purchased by the Snake River Land Co. There is some land owned by the Snake River Land Co. in the Mormon Row section which is not included in the project now, is that right?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. How much of that land is there, approximately? Is there any substantial amount?

Mr. FABIAN. I think I can give you that figure exactly. (Referring to memorandum) 4,970.29 acres purchased, and 7,159 acres not purchased in Mormon Row.

Senator NORBECK. How many farms were there on that land?

Mr. FABIAN. I couldn't tell you, Senator.

Senator NORBECK. A dozen?

Mr. FABIAN. I think there are more than that.

Mr. PICKETT. And that number of acres now is excluded from your proposed plan?

Mr FABIAN. Yes, sir.

Senator CAREY. Will you make it clear why you left that out? Was 't due to Governor Emerson's request.

Mr. FABIAN. That was due to the fact that Governor Emerson made a request in the fall of 1929 asking that it be excluded, and wrote a letter to Mr. Webb to that effect, and it was excluded for that reason.

Senator NORBECK. Did he claim that the Mormons didn't want to sell at that time?

Mr FABIAN. His contention, which he expressed on several occasions, was that he thought this program was a very well conceived program, but he thought it was going too far in purchasing lands that were agriculturally productive—that they should not be taken out of economic use, and he said that all of the Mormon Row lands were lands of that character, and for that reason he asked that they be excluded.

Senator ADAMS. Mr Fabian, I notice on page 64 of this pamphlet there is a statement which says, "in the spring of 1930, Mr. J. D. Ferrin had come to me saying that the people of Mormon Row were much disturbed over the elimination of their lands from our purchasing area, and that they had sent a petition to Governor Emerson asking that he retract his request for the withdrawal of their lands. Governor Emerson came to Jackson Hole again on August 3, 1930, and met with the Mormon Row people. After listening to them, he promised to withdraw his opposition to our purchasing their lands."

Mr FABIAN. Yes, sir.

Senator ADAMS. That is the situation, is it?

Mr FABIAN. Yes, sir.

Mr. PICKETT. And he did withdraw his objection, did he not?

Mr. FABIAN. Yes, he did. He withdrew his objection to it, and asked me to talk to the people of Mormon Row and tell them that he had withdrawn it, which I did.

Senator ADAMS. And then you followed that up by saying that if they wanted to be included they would have to get together as a lump and give you some lump figure for all of the land as a unit?

Mr. FABIAN. Yes; we had had and continued to have a great deal of difficulty because of the way we had gone about this purchasing, and I told the people of the Mormon Row first that I had no authority to reinclude these lands myself, but that the money that had been appropriated for that purpose had been used for the purpose of acquiring properties on the west side, for which we had had to pay prices 'way more than anything we had any conception of when we first talked about it or undertook it.

Senator ADAMS. You then went on to say that "I further told them that we would not again undertake the piecemeal purchase of their property and that if they desired to have their lands reincluded it would be necessary for them to agree among themselves on a lump-sum price to be paid for the entire Mormon Row section, and if that price were fair and reasonable, it would be submitted to our principal with the recommendation that it be accepted. They asked if Mr. Winger could help them in working this out, and I replied that so far as I was concerned he could, and he agreed to do so".

Mr. FABIAN. Yes, sir; that is correct.

Senator ADAMS. And on page 78 is a summary, perhaps, in which you state, "to date, the Snake River Land Co. has purchased 32-,

423.476 acres of land for which it has paid \$1,300,691.79. It has paid \$83,637.05 for the relinquishment to the United States of 2,087.86 acres, and it has under agreement to purchase, pending clearing of titles, 799.06 acres for \$15,981.20. This is a total of \$1,400,310.04 for 35,310.396 acres—an average price of \$39.66 per acre—a figure obviously in excess of the fair market value of these lands. The property purchased, and under agreement of purchase, at the total figure of \$1,316,672.99 was assessed in 1932 at \$521,037." That is a correct statement of the situation as it now exists, Mr. Fabian?

Mr. FABIAN. Yes, sir.

Senator ADAMS. And then you follow that on the next page with a series of numbered paragraphs which seem identical with those set forth in the letter of Mr. Webb, which also appear in this pamphlet?

Mr. FABIAN. Yes, sir.

Senator ADAMS. And that is really an authoritative summary of the position of the Snake River Land Co. as to this project?

Mr. FABIAN. Yes, sir; it is. Do you want to develop that Mormon Row situation up to the situation it is in now?

Senator ADAMS. I think the committee has gone into that.

Senator NORBECK. Are you considering the purchase of it now?

Mr. FABIAN. No, sir.

Senator NORBECK. Is it within the project that you have in mind?

Mr. FABIAN. No, sir. It should be, however.

Chairman NYE. You think it should be, Mr. Fabian?

Mr. FABIAN. Yes, sir.

Senator NORBECK. This Mormon Row land would lie between different tracts of land that you have already purchased? It would isolate some of your land by not buying it?

Mr. FABIAN. Yes; we have some acreage in there that I read to you that I do not know what we will do with.

Senator CAREY. Were any prices ever discussed with the people of Mormon Row?

Mr. FABIAN. Yes. Following Governor Emerson's request that it be reinstated, as I say, we met with those people over there and I told them that we were through with buying land a piece at a time, and if they wanted that land reincluded it would be necessary that we have a lump sum, that the land over there would go for a lump sum—and Mr. Winger worked with them during the wintertime, and they submitted an amount for which we could purchase that property. I think it required \$300,000.

Senator NORBECK. That would be about how much per acre?

Mr. FABIAN. Something over \$20 an acre.

Senator NORBECK. And most of that is dry land?

Mr. FABIAN. No. The soil there in the Mormon Row section is very good; it is the alluvial wash from the mountains, running clear back to the east.

Senator NORBECK. How much of it was under irrigation, or about what percent of it?

Mr. FABIAN. I don't know that. I know they haven't enough water over there; that is one of their difficulties. The reason I cannot tell you the details about these pieces of land, Senator, is because I have not had the purchasing of them. I have intentionally and purposely kept away from that. We have had men in the valley

who knew about it to handle that end of it and I have kept out of it just as much as I could. However, I did recommend the purchase of the Mormon Row land, and I remember asking for an appropriation of that amount. I think Senator Carey will remember that he objected to the activities of the Snake River Land Co. in the valley, of which I immediately notified the people in the East, and they promptly advised me not to do anything more about Mormon Row and to exclude it, and it has never been taken in since.

Senator NORBECK. Let's get that amount correctly in the record of what they were offering to pay for that land.

Chairman NYE. That would be in excess of \$40 an acre, instead of 20.

Mr. FABIAN. I can give you the figures exactly. There were 7,319 acres, which differs a little bit from the figure I gave you in the original Mormon Row, because, I understand, a little was added, and the price was \$314,075. The original price for that land under the Miller schedules was \$199,420.

Senator NORBECK. That is what Mr. Miller fixed the value at 5 or 6 years ago?

Mr. FABIAN. Yes; these schedules were all made by Mr. Miller.

Senator NORBECK. So, while agricultural land has been coming down, this land has gone up about 30 percent?

Mr. FABIAN. The schedules at this time are greater than that, because the Miller schedules were for \$199,420, whereas the Mormon Row proposition that came to us from Mr. Winger was \$314,075, or an increase of \$114,655.

Mr. PICKETT. Do you recall what Mr. Webb's reply was to your recommendation?

Mr. FABIAN. I didn't ever get any reply from him about it except to say that in view of the new complaint that had come into the picture it would not even be submitted to Mr. Rockefeller.

Chairman NYE. And, so far as you know, it has never been submitted to Mr. Rockefeller?

Mr. FABIAN. I think not.

Mr. PICKETT. Now, referring back to this original plan, Mr. Fabian, throughout the correspondence and articles, I see referred to "the big plan" or "the ultimate plan." Do you know what that is?

Mr. FABIAN. That is the thing that makes me think what they had in mind—I don't know anything about that correspondence, but I have read it just the same as you have and not otherwise.

Mr. PICKETT. I notice the expression "rim to rim." Do you know what that means?

Mr. FABIAN. Yes. That is, I can tell you where I heard it. When Mr. and Mrs. Rockefeller were out here in July of 1930, I took them over the valley and showed them everything, and told them what had been done about cleaning up the properties, and so forth, and in connection with that trip we went down through Wilson and up on top of Teton Pass, and we were delighted with that magnificent view, and in just a 2- or 3-minute conversation—

Senator ASHURST. That is a little settlement of about 50 people?

Mr. FABIAN. Yes, sir; that is a little settlement west of Jackson. And when we got that magnificent view on Teton Pass, they were delighted with it, and I made the remark to Mr. Rockefeller that some day in some future generation somebody would stand where we were

and would say, "How short-sighted those people were that they did not take that whole valley and preserve it for the people of this country while they had the chance." He turned to Mrs. Rockefeller and asked her if she had heard that, and she said that she thought that, too, that she had heard my statement and that she had thought so, too. A year later I talked to Secretary Wilbur about that, and Secretary Wilbur said that he thought it must, if taken in from rim to rim, and that is where that expression comes from.

Mr. PICKETT. That would include all of the privately owned lands within this county?

Mr. FABIAN. Yes, sir; that sort of a project would include everything. Jackson Hole is surrounded by high mountains and passes and divides, the crests of mountains; and it would include everything.

Senator CAREY. And it would take in parts of other counties?

Mr. FABIAN. I do not know as to that, because it has never been done, and, so far as I know, there is no contemplation of that whatever. If I had this thing to do all by myself and was controlled by nobody else, I would certainly do it if I had the money. But I want to make it absolutely clear, because there is no question about it. Since 1927, when Mr. Webb and I came up here and talked to Mr. Miller, the Snake River Land Co., project has not had any further extension than these boundaries that I have given to you now.

Chairman NYE. If this is an agreeable time to have a recess, the committee will stand in recess until 1:30.

(Whereupon, at the hour of 12:15 p.m., the committee stood in recess.)

Pursuant to adjournment the hearing reconvened at the hour of 1:30 p.m., whereupon the following proceedings were had:

TESTIMONY OF HAROLD P. FABIAN—Resumed

Chairman NYE. You may proceed, Mr. Pickett, with further testimony from Mr. Fabian.

Mr. FABIAN. Mr. Chairman, I would like to add a thought to what I said at the conclusion of the testimony this morning with reference to any program other than that which I have previously stated was all of the program of the Snake River Land Co. from 1928 to date, and particularly I, myself, if I had the money to do it with, and I want it distinctly understood it is my personal view only. Mr. Webb disagrees with me, and has at all times. He thinks our program, as it is now, is ample, and what Mr. Rockefeller wants to do with his own money that is for him to say.

Chairman NYE. You are not pretending to speak for Mr. Rockefeller or Mr. Webb?

Mr. FABIAN. No, sir.

Mr. PICKETT. You think that the present program is ample—ample for what?

Mr. FABIAN. The area included is sufficient for the complete project, and it should not be extended any.

Mr. PICKETT. Do you now have information as to just what the purpose of this project is, so you can define it to us? I am not clear, myself.

Mr. FABIAN. I have it in mind a great deal more clearly and with a great deal more definiteness. Probably I should go back to the year 1929. Up to that time, as I explained this morning, everybody

just naturally seemed to be—their minds seemed to be turning toward this, that the new parks should be extended here to the Snake River. Secretary Wilbur was out here at that time, that summer, and I took him over the project and explained to him that that was what was developing, and he said that was a very good thing to do. He seemed to approve of that idea. The next summer, in 1930, when Mr. and Mrs. Rockefeller were out here, I had taken them over the valley in company with Mr. Albright, they spent the entire day going over the project, and in that evening, at Jackson Lake Lodge, Mr. Rockefeller and Mr. Albright got out the maps and I began explaining to Mr. Rockefeller as I had with Mr. Wilbur the year before. When I came to speaking of the lands on the west side of the river, the Biological Survey, he asked me what was the purpose of that. I explained to him that the Biological Survey owned the lands down in the valley, and explained their methods of game management, and that it was naturally a departmental allocation. He said, "Is there any reason why the National Park Service cannot operate those lands?" and I said "Not that I know of." He said, "I am buying these lands to give them to the National Park Service, and unless you have some reason more potent than that you will consider no other disposition of them."

Mr. PICKETT. When was that, Mr. Fabian?

Mr. FABIAN. That was in July 1930. I have forgotten the exact date.

Mr. PICKETT. Is that the first you knew that the land was to go into a national park and be administered by the National Park Service?

Mr. FABIAN. As I say, when you say "first I knew", that had just naturally been growing, this sentiment, but that is the first I knew, and I am certain it is the first that Mr. Albright knew, that he was buying the land—Mr. Rockefeller—and intended to give it to the National Park Service, because he was very much surprised, and I was very much surprised.

Mr. PICKETT. Was Albright present at that time?

Mr. FABIAN. Yes; he was.

Mr. PICKETT. Was anything said as to when that particular idea originated, as to whether right then, or at the inception of the project?

Mr. FABIAN. No; I had nothing to say. It was Mr. Rockefeller's business.

Mr. PICKETT. I mean, was there anything said then?

Mr. FABIAN. No; there was not.

Mr. PICKETT. Was anything discussed there then between Albright, who was Director of the National Park Service, and Mr. Rockefeller, as to the handling of this property if it should go into the National Parks?

Mr. FABIAN. Yes; there was some discussion about that. I do not recall all of the details of the discussion. A memorandum was made, which is Mr. Rockefeller's own.

Mr. PICKETT. Was there any discussion there then as to how the elk herd should be handled if this country became a national park?

Mr. FABIAN. I do not think there was right then, but there has been considerable discussion of that.

Mr. PICKETT. Among the principals of this project?

Mr. FABIAN. Yes. I have not discussed it with Mr. Rockefeller—I think I have not—but I think Mr. Webb and Mr. Chorley, and also with Albright, that they talked of that quite a little.

Mr. PICKETT. What was their plan in handling the elk herd?

Mr. FABIAN. Why, it was to have the lands within the jurisdiction of the national park, and have them administered by the Biological Survey. That is, the lands on the east side of the river, I am talking about now.

Mr. PICKETT. You mean, have the Biological Survey operate within the boundaries of the park?

Mr. FABIAN. Yes.

Mr. PICKETT. Do they do that in other parks?

Mr. FABIAN. I understand so, but I do not know. Mr. Albright has said that they do but I do not know it myself.

Mr. PICKETT. Was there anything discussed there as to rules and regulations that would apply to this particular area?

Mr. FABIAN. Why, I do not think so. That, of course, has been discussed subsequently, but to this extent only—Mr. Rockefeller has not told me that himself, but Chorley has told me, that Rockefeller's idea and governing thought in his mind, in wanting this to go to the national parks, was because the traditions of the National Park Service are such that it would be perpetuated to the people of the country, free from commercial uses and other exploitations, than is simply permissible under departmental order under governmental service.

Mr. PICKETT. I still haven't got an answer to the question I had in mind a moment ago, when I asked what is the plan now to administer this?

Mr. FABIAN. I cannot give it to you, sir.

Mr. PICKETT. You do not know that?

Mr. FABIAN. No.

Senator NORBECK. After all, it all depends on Congress?

Mr. FABIAN. You are asking me a rather difficult question.

Senator NORBECK. But the Government cannot take it over unless Congress takes it over.

Mr. PICKETT. And Congress could not take it over unless Rockefeller agreed.

Senator NORBECK. Yes; and he has given an outline in this pamphlet.

Mr. PICKETT. I think it is proper for me to examine about it.

Senator NORBECK. Certainly, it is proper, but it is killing a lot of time on a subject that the witness seems to be unable to answer. I have no objection to your proceeding, but suggest you get to the point more quickly.

Mr. PICKETT. If you have a way to suggest that I could get to the points quicker than I do, I will be glad to observe it.

Senator NORBECK. Yes; and that is by this pamphlet.

Mr. PICKETT. These are written statements; I think the man ought to be asked about them.

Senator NORBECK. I see; go ahead.

Mr. FABIAN. The point that Mr. Pickett is inquiring about is one I have inquired about many times, and I wish I knew the answer to it now. I think, as you and Senator Norbeck say, the final answer to this must be Mr. Rockefeller saying to the Government what he is willing to do, and whether the Government is willing to do it.

Mr. PICKETT. Then, the answer is not in the record?

Mr. FABIAN. No; any more than in the pamphlet there.

Senator NORBECK. That is in the record?

Mr. FABIAN. Yes.

Senator NORBECK. And the conditions are set out here, that they think should be followed?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Now, when did you first find out, Mr. Fabian, that Mr. Rockefeller was connected with the project?

Mr. FABIAN. I cannot tell you.

Mr. PICKETT. Do you know how you found it out?

Mr. FABIAN. I cannot tell you exactly, except that it came out finally in some conversation with Webb or Chorley. I did not know it for a year or more, but it was in a conversation that they assumed I knew—I mean, it was in a conversation, which was carried on, in which they were assuming I knew it.

Mr. PICKETT. Your conception of this area was that it was to be kept in a wilderness state and as near a natural state as possible?

Mr. FABIAN. I think the latter is a little more correct.

Mr. PICKETT. The natural state?

Mr. FABIAN. Yes.

Mr. PICKETT. Are you acquainted with the surrounding territory throughout this section of the State?

Mr. FABIAN. I am acquainted fairly well in this valley, and in the mountain country tributary to the valley. I have been around it on horseback.

Mr. PICKETT. Do you know why this Jackson Hole country was selected for that particular purpose?

Mr. FABIAN. Well, I am pausing because I am trying to think back to what other people have thought, and what I know about it because I do not know that of my own knowledge, but I have been told that the first idea of preserving this country here was expressed by President Theodore Roosevelt on the occasion of a visit of his to the Yellowstone Park, on which he came down here, and he said at that time that this magnificent scenic area certainly ought to be added to the Yellowstone and preserved as a national park. Now, I have heard a good deal said about how it originated here locally, I have been told how it came to Mr. Rockefeller's attention, and so forth, but really all of that I do not know any more about than you do.

Mr. PICKETT. You have been over in this area east of here in the national forest and north?

Mr. FABIAN. I have been over quite a little of it.

Mr. PICKETT. It is all wilderness area now?

Mr. FABIAN. Yes.

Mr. PICKETT. Thousands of square miles?

Mr. FABIAN. There is many square miles. I have ridden it with a pack trip for many days.

Mr. PICKETT. It is in such a wilderness state that you can hardly get through it with a horse?

Mr. FABIAN. Yes; no trails except game trails and Forest Service trails; that country east of here it is thoroughly wild country.

Mr. PICKETT. Yes?

Mr. FABIAN. Yes.

Mr. PICKETT. You do not know why that land was not selected as a wilderness area, instead of this?

Mr. FABIAN. I think there is a good deal of talk of that, both from the point of view of the Park Service and from the point of view of creating a forest wilderness area out of that.

Mr. PICKETT. Explain that a little further.

Mr. FABIAN. That is quite a lot to talk about, too. The country you are referring to now, and which I have referred to in answering you, involved in all of that discussion that has gone on for years, has been the extension of the southeast corner of the Yellowstone National Park. All of that country up there, from where the Buffalo River joins the Snake River to the upper part of our property here, the "Ferrin ranch," as we call it, from there northeast it goes into magnificent beautiful wilderness area. The lower part of it is timbered, magnificently, watered, full of grass, and it rises back there for 30 or 40 miles in the magnificent crest of the Absaroka, to the headwaters of the Yellowstone and the Big Game Ridge, in which is found a great number of game animals—they have their summer range in there. From the point of view of both present game range and, to a still greater extent, from the point of view of potential future development, my belief is that there is the greatest opportunity for the retention and development for the people of America of a hunting area of big game animals, that will not be surpassed anywhere in the world providing it is worked out under proper game management, and our thought is that so far as the game part of this project is concerned the ranches we are spending money to keep up and equip to give to the Government will form a reservoir and a winter feeding area for the conservation during the winter time of the game animals in that magnificent summer, fall, and hunting country, and that it can be increased in both quantity and kinds of game animals up there. I do not know whether I am reaching what you want, or not.

Mr. PICKETT. That is exactly what I wanted. Wouldn't you say, Mr. Fabian, that all of that land over there, which you have mentioned, is much more suitable for park purposes than this particular area here?

Mr. FABIAN. No; and I disagree with Albright on that, and I told him so, for this reason: You cannot hunt game animals in the winter-time; they are driven down by the snows. I have seen it here, and I have been told plenty about it by the people here. When the winter snows come into these upper ranges they come down in herds, into the area where they are used to come to get their winter protection and feed. They are easily shot, they are coming in herds, they are slaughtered when they come out. I do not think that people interested in game animals think that that is the proper thing. But there is a season in which they can be hunted, and people tell me not only should they be hunted as a big-game hunting proposition, but keeping down the surplus simply takes the place of the ravages of nature where man does not interfere, so that hunting of game is really a part in the scientific-game management, and the western American, I think, is still a hunter. I was a hunter until I got so closely interested, and am not so much of a hunter now because I would rather see them now.

Mr. PICKETT. You have hunted in western Wyoming a good deal?

Mr. FABIAN. I have hunted in here.

Mr. PICKETT. Don't you think our elk herd has been pretty well preserved by the Wyoming commission?

Mr. FABIAN. Yes; I think they have done a very good job.

Mr. PICKETT. Do you know whether it was the intention of that project to improve on that care, or take over the care of it?

Mr. FABIAN. If you will let me finish this question about the country up there, I will be glad to answer it, and to have the oppor-

tunity. In saying why I disagreed with Albright in taking that into the park country, if that goes into the national park the traditions of the Park Service are such that I doubt very much if the people of the country would even permit the Park Service to permit hunting in that country.

Senator CAREY. Did Albright want to take that area into that park?

Mr. FABIAN. You probably know more about that than I do.

Senator CAREY. I mean recently, has that been discussed with you?

Mr. FABIAN. Not in detail. I know in the northeast corner there has been a great extension discussed, and it is all in the fall and summer range of the game.

Senator CAREY. Has he ever said that all of that country ought to be in the park?

Mr. FABIAN. I think he has.

Senator CAREY. I know he has tried to get a good part of it.

Mr. FABIAN. I do not know of all of it. The boundaries he wanted to take in were very large, and I think it would stop hunting where it should be permitted.

Senator CAREY. The Park Service would practically take all of the hunting country out?

Mr. FABIAN. Practically all of the hunting country, and that was my objection to it; yes, sir.

Senator NORBECK. The last committee from Washington that went over that matter recommended a much larger extension than what was proposed in the first instance.

Mr. FABIAN. Yes; that was Dr. Brownell, and he came to Salt Lake and discussed all of this game proposition with me, and that is one of the places where I got the information of it. They recommended taking in Bridger's Lake and Hawk's Rest, a small park in that southeast corner which is particularly scenic, and which is a reservoir for the moose around Bridger Lake there.

If I can leave that, and answer your question, Mr. Pickett, as to what we expected would become of the game and the State's management of it, I explained all of that very fully to Jack Scott, chairman of the Wyoming Game Commission—I have discussed it with him two or three times—what our hope is, and I can say it is only hope, because we do not know what is going to be done. Our hope is that the Federal Government will manage and pay the expense of the operation of these ranches to a maximum capacity, that the game will be fed here during the winter time under a cooperative program between the Federal Government and the State of Wyoming, in such a way that the State will not lose control of its game herds; but, on the contrary, when they are hunting their summer ranges they will be under State control and jurisdiction under a cooperative arrangement there with whatever Federal agency has the jurisdiction of that area. The Forest Service has it now, and I understand that they cooperate in what they do. And it is our hope that they will gradually increase that country as a hunting area, with a consequent increase of income to the State of Wyoming through its hunting licenses and the lessening of the cost of these game herds by the Federal Government on these winter ranges. Our properties can play a very good part in that, because the State game department is already using our hay, they bought it last year, and Dr. Hocker is here this year wanting to buy it all.

Senator CAREY. Why is it he cannot buy it this year? I understood he had a deal for it and cannot get it.

Mr. FABIAN. I do not know that he cannot; he talked to me yesterday and said he wanted to talk to me when this hearing was over.

Senator NORBECK. How much hay do you put up?

Mr. FABIAN. We put up somewhere between twelve and fifteen hundred tons, depending on the year, on that one ranch.

Senator NORBECK. What part of this elk herd spends practically all of the summer or all of the summer in Yellowstone Park?

Mr. FABIAN. I cannot tell you.

Senator NORBECK. Is it the larger part?

Mr. FABIAN. From my observation I would say that the larger part spent the summertime up there in what they call Big Game Ridge, up above Eynon's Ranch, and the country designated on the map on the east side as the Thorofare country. The elk that are in the park do not winter up there; I think none of the elk of the south herd winter in the park.

Senator NORBECK. They come down here, do they?

Mr. FABIAN. I think so.

Mr. PICKETT. Do you mean, Mr. Fabian, that the elk in the park now come down here to feed?

Mr. FABIAN. I think those that are part of the south herd come down here to feed.

Senator ADAMS. Is this the normal wintering grounds of the elk before the settlers came in here?

Mr. FABIAN. I will have to answer that by telling you what I have been told, but I have been told what that history is, and it is not very long and it probably will be interesting. My understanding is that the elk and the buffalo and the antelope are originally prairie animals—that their natural habitat in the wintertime was on the open and prairie country lying to the east of this mountainous country, and, I suppose, extending clear back to the Mississippi River. In the summer they ranged up into the valley floors of this country for the summer grasses and the cooler summers, and so forth. With the coming of the settlers and the westward movement of population, and the ranches, and the fences, and so forth, they have been driven up into the higher country, with the result that what used to be their summer range has become their winter range and, in the summertime, they go into the high mountain country. They tell me that the antelope and elk and buffalo herds used to be in here in great numbers. Of course the buffalo are gone, and so are the antelope, but I am also told that they can be brought back under proper management into this country.

Mr. PICKETT. In your letter you set down certain principles on which Mr. Rockefeller will turn this land over to the Government, to insure the protection of the right or the protection to drift cattle across there, for the benefit of some of the ranches and the people—you think that the traditions of the Park Service are such that they would not allow hunting, and do you think the traditions are such that they would allow that?

Mr. FABIAN. I am told that they will. There are two features that have been impressed upon me as requiring some protection for the people that will remain in this valley, and one is the right of the

cattlemen and the cattle ranchers in the lower end of the valley, who will not be bought out, to have access across the lands that we are purchasing to drive or drift their cattle between their summer ranges and their winter ranges. That was first called to my attention by Mr. J. D. Ferrin, and I discussed it with him and with a number of others here, and I think that that is a protection to which they are entitled, and I took that up with our people, and we discussed it with Mr. Albright, and Mr. Albright agreed, and he said that the proper driftways would be allowed for the cattle across these lands.

Now, at the time we bought these properties, of course, all of the land that we bought was fenced and the cattle could not drift across there—and get the distinction between “drift” and “drive”, because as the cattlemen explained it to me, what they want to do is to let their herds graze across this lower country in the spring and graze back again in the fall, and not just drive up through driveways, which is what they had been doing when we bought the property because of the fences all over.

Mr. PICKETT. Mr. Miller's statement, that the position of the cattleman now is better than it was before, is correct.

Mr. FABIAN. It is, because when this suggestion was made about the cattlemen I insisted there might be some opposition to that from the extreme conservationists who think only of game and that side of it, because it would mean that the cattle would go across that country and take out the feed and leave no feed for game. I do not say that that would happen, but that is the argument I fear we would be met with on the other side. So, I think it was in 1931, I had them take off every fence and every improvement that there was on the southern part of this property, well, from the ferry bridge clear down south, and also to open the country on the east side, so they could try that out and see what they could do with it, and I came up a little earlier in June, when these cattle were strung out from the Spring Gulch country and across that lower end to just below Deadmans Bar, and I thought it was a magnificent sight, and, generally, it worked out splendidly—a little advantage was taken of it by some people, who kept their cattle on the unfenced lands all summer. The next year the cattlemen put riders on, and I think I am entirely safe in saying that it was a thoroughly practical thing to do from the point of view of both the conservation project and the rights of the cattlemen; and I am assured by Mr. Albright that it will be done, and it is the intention of the Snake River Land Co. to make that as a condition to turning over these lands to the Government, that the cattlemen will be protected in that respect.

Mr. PICKETT. You think that would not interfere with the traditions of the park?

Mr. FABIAN. I think not.

Mr. PICKETT. The elk herds, you understand, are the property of the State of Wyoming?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Was there anything discussed as to eventually that herd would be taken over by the Government?

Mr. FABIAN. No; quite the contrary; I do not think there is any intention that it should be.

Mr. PICKETT. What was your answer?

Mr. FABIAN. The game herds cannot be taken over by the Park Service, except they would be in the park jurisdiction where nobody could do anything.

Mr. PICKETT. That would amount to the same thing, wouldn't it?

Mr. FABIAN. It would amount to the same thing if in the park area in this valley floor, but these lands of ours are not lands on which any hunting should be permitted at all, and if operated by the Biological Survey in cooperation with the State——

Mr. PICKETT. There has been no hunting down there for some time, anyway?

Mr. FABIAN. I think not; I think there have been times when they permitted hunting in the valley, but I think the general sentiment is against any.

Mr. PICKETT. That was for the purpose of diminishing the herd?

Mr. FABIAN. Probably.

Mr. PICKETT. Is there anything further you want to say in connection with this subject?

Mr. FABIAN. No, sir.

Mr. PICKETT. Now, in connection with these properties, these purchases, Mr. Fabian, it has been gone into that Mr. Miller was the original purchasing agent, and that he operated for something like 2 years, possibly a little more, and purchased probably 15,000 acres of land; have you the accurate figures on that?

Mr. FABIAN. Of what he purchased?

Mr. PICKETT. Yes.

Mr. FABIAN. No; I have not.

Mr. PICKETT. I do not believe it is material, anyway, but was there any disagreement or any ill-feeling between the officials of the Snake River Land Co. and Mr. Miller at the time he was relieved or was disconnected from their employ?

Mr. FABIAN. No; there was no ill-feeling that I know of.

Mr. PICKETT. It was a matter, as he stated, that he was too slow?

Mr. FABIAN. Well, no; I do not think that is quite all of it. From the beginning of this project we felt, and felt quite decidedly, that the lands that should be purchased first were the lands on the west side of the river where the main highway was, in the vicinity of Jenny Lake, and Leigh Lake and String Lake, because we felt people would be coming in there more rapidly—it was the tourist side of the valley as distinguished from the ranch side of the valley. Mr. Miller, on the other hand, felt that the ranches should be bought first, and he had one or two ranches in mind, large ranches, that he thought he could buy to begin with. The two sides of this valley are quite distinct in their characteristics. The west side of the valley is right under this precipitous range, that has been cut out of the rock by the glaciers, and the soil at the foot of this abrupt range is glacial gravel. On the other side for the most part, that is, on the east side of the river, the soil is, to a large extent, alluvial wash from a much less precipitous range of mountains that slopes back from the foothills and from the high ranges for a distance of probably 40 miles. So the east side properties lend themselves to ranching, and that was probably the reason that the older settlers were attracted there, because that is where they were.

Mr. Miller was one of the older settlers here, and those were the people that he knew. When I first came into the valley in 1927, we

discussed the project not only with Mr. Miller, but with Mr. Henry Stewart, who was the owner of the JY dude ranch, and Mr. Stewart then said to us that he thought Miller might have difficulty in purchasing on the west side of the valley, and suggested that he, Henry Stewart, should purchase on that side of the valley because he knew those people better there and thought he could purchase from them where he thought Miller might be unable to do so. We discussed that with Mr. Miller, and he said "decidedly no; that he did not want anybody buying in addition to himself because that would create a competitive atmosphere, "which was entirely proper, and we agreed, so Stewart did not take any part in it. But that statement of Henry Stewart's, we thought, proved to be correct.

The newcomers on the west side of the valley, a good many of them were not people who would sell to Mr. Miller, and prices went up very rapidly on the west side, and Mr. Miller was urged to purchase over there, urged continuously to purchase over there, but he would not pay the prices that they asked, and, finally, in the spring of 1929, Mr. Webb wrote to Mr. Miller telling him that if the purchasing did not go more rapidly over there he did not know what his clients would say about it, and Mr. Webb came out and asked me to come up here, and at that time Mr. Winger was asked to associate with Mr. Miller in the purchasing of the properties, which Mr. Winger agreed to do on the condition that I would stay up here and he would work under me.

I think Miller and Winger were not too friendly with one another, personally. It was a very difficult situation to handle, and the result was that in the latter part of the year Mr. Webb wrote Miller that, since his contract was terminating, he assumed it was not going to be renewed, to which Miller agreed. But there was no thought of any ill-feeling between us, but Miller would not pay the prices that were being demanded for the lands on the west side of the river. Our people were willing to pay the prices and get the land bought, feeling that each year they were left the prices would go higher. That was the reason for it.

Mr. PICKETT. And Winger was employed at that time to continue the purchasing?

Mr. FABIAN. In the beginning of 1930?

Mr. PICKETT. Yes.

Mr. FABIAN. Yes. Both Miller and Winger purchased in the summer of 1929, but when Miller's contract terminated December 31, 1929, Mr. Winger has been the man since that time.

Mr. PICKETT. Did Winger settle up the purchases?

Mr. FABIAN. Yes; they both did; in 1929.

Mr. PICKETT. And following that?

Mr. FABIAN. Well, yes; a good deal of the property was bought in 1929, when they were both buying.

Mr. PICKETT. What instructions, if any, were given to Winger in connection with these purchases, and what his conduct should be?

Mr. FABIAN. You mean, as to whether he ought to——

Mr. PICKETT. Generally; yes.

Mr. FABIAN. No particular instructions were given to him. He knew what we were trying to do, and he knew that we wanted to buy the lands. The schedules that Mr. Miller had originally prepared were raised in January 1929, at a meeting of Mr. Miller and Mr. Winger and myself in New York, on account of these rising prices,

and the appropriation of originally a million dollars was raised to a million and a half dollars to meet that rapidly rising land value situation.

Mr. PICKETT. He was given different schedules than Miller had?

Mr. FABIAN. Miller had the same schedules in 1929.

Mr. PICKETT. Were you over here yourself during the summer of 1930 and 1931?

Mr. FABIAN. I was in here both summers; yes.

Mr. PICKETT. And spent most of the summer here?

Mr. FABIAN. No; I was here off and on during the summers. I was here in 1929; I was here continually for about 5 or 6 weeks.

Mr. PICKETT. Were any purchases made while you were here?

Mr. FABIAN. Yes.

Mr. PICKETT. What were the properties that were purchased?

Mr. FABIAN. Well, in 1929 the Ferry Ranch—that is, the Menor Ranch at the Ferry Bridge, and the Elbo Ranch were purchased; I think the Homer Richards place was purchased—no; I think that was purchased after I had gone out. I do not know whether I can remember all of those.

Mr. PICKETT. Did you negotiate any of those deals?

Mr. FABIAN. I did not think I negotiated any. I was there.

Mr. PICKETT. And advised them?

Mr. FABIAN. Yes; and gave them the checks; but other than that I do not think I did because I made it a constant effort not to do it. People, when they knew I was there, wanted to come and see me, because they thought I was the man they could get their money from, and for that reason I purposely kept away from it.

Mr. PICKETT. During the progress of this project was there a law introduced in Congress and passed, having to do with the right of the Park Service to condemn land?

Mr. FABIAN. I do not know whether it was introduced and passed during this time, or not. There was such a law, but I am sure it was not passed for the benefit of this project.

Senator NORBECK. It would have been inapplicable to this project at that time, wouldn't it?

Mr. FABIAN. No; the Park Service had not gotten this land.

Mr. PICKETT. Did you furnish Winger with a copy of that law?

Mr. FABIAN. I do not think I got it. He said some inquiry had been made about it, and asked if I could get a copy of it for him, and I do not remember whether I got it for him or not. I know there was some discussion about that, and I do not remember whether I got it or whether I did not.

Mr. PICKETT. Did you have a discussion with Winger about the rights of the Park to condemn?

Mr. FABIAN. Yes; he asked if there was such a law.

Mr. PICKETT. Did he tell you what he wanted with it?

Mr. FABIAN. No; he said—he just asked if that were the law; he said that he had been asked about it.

Mr. PICKETT. Do you know whether any of these prospective sellers were told by Mr. Winger, or by anyone purchasing for the company, that if this property went into a park that the park would have the right to condemn?

Mr. FABIAN. I do not know whether he did or did not. If you mean by that, if I told Winger to use that as a method of coercing sales, I did not.

Mr. PICKETT. You did not?

Mr. FABIAN. No, sir.

Mr. PICKETT. Did you have anything to do with the attempt to purchase Mr. Gabbey's place?

Mr. FABIAN. No, sir.

Mr. PICKETT. You had no dealings there at all?

Mr. FABIAN. Not with the purchasing of Gabbey's place. I had some correspondence with him about the lease of his store, but that was not about property that he owned.

Mr. PICKETT. What was that?

Mr. FABIAN. Mr. Gabbey had a store on the property that was owned by Homer Richards, property which we purchased for \$25,000, and we purchased the improvements and everything on it. When the negotiations were conducted by Mr. Winger, and the question eventually arose as to the right of Gabbey to remove his store building, I had been given expressly to understand that that store building belonged to Homer Richards, and that Mr. Gabbey had a lease on it for the rest of the year, and as the improvements were expressly covered in our deed, that Gabbey wanted to move off, I thought he did not have the right to move if off. He did move it off, and still has it.

Mr. PICKETT. Did he claim ownership of it?

Mr. FABIAN. Yes.

Mr. PICKETT. Did you know about that when you purchased the Richards' place?

Mr. FABIAN. I knew that Gabbey was on there with his store, yes; but I was advised that the store belonged to Mr. Richards, and we purchased it with all improvements on the property, subject to Mr. Gabbey's right to stay there for the rest of the year.

Mr. PICKETT. Did Richards advise you that the property belonged to him?

Mr. FABIAN. No; I think Mr. Winger told me that.

Mr. PICKETT. Mr. Gabbey was living on the property?

Mr. FABIAN. Yes.

Mr. PICKETT. Why did you not ask him if he owned the property?

Mr. FABIAN. I think it was discussed with Gabbey and Winger.

Mr. PICKETT. Before the purchases?

Mr. FABIAN. I think so. As I say, I was not there at the time, I was out.

Mr. PICKETT. Now, you know Mr. Fessler—Charley Fessler?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. He lives at Moran at this time, I think?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. What business was he engaged in, Mr. Fabian?

Mr. FABIAN. He operated a store at Moran.

Mr. PICKETT. And at any place else?

Mr. FABIAN. When?

Mr. PICKETT. During this time?

Mr. FABIAN. Yes; he later operated a store at Jenny Lake, and at Ferry Bridge.

Mr. PICKETT. He operated this store at Jenny Lake in conjunction with his store at Moran?

Mr. FABIAN. Yes.

Mr. PICKETT. Was this store at Jenny Lake operated within the park?

Mr. FABIAN. No.

Mr. PICKETT. It was outside of the park?

Mr. FABIAN. Yes.

Mr. PICKETT. On your land?

Mr. FABIAN. On the Snake River Land Co. property; yes.

Mr. PICKETT. Now, at the time you were making these purchases he had an interest in some land just north of Moran, did he not, Mr. Fabian?

Mr. FABIAN. Yes.

Mr. PICKETT. That you are familiar with?

Mr. FABIAN. Yes.

Mr. PICKETT. Did you attempt to buy that particular land?

Mr. FABIAN. Yes; I talked to Mr. Fessler about that.

Mr. PICKETT. Were you able to reach an agreement with him?

Mr. FABIAN. Yes.

Mr. PICKETT. After how long a time of negotiating?

Mr. FABIAN. Well, I do not think our actual negotiations were very long; I think it was just a short time.

Mr. PICKETT. Now, just north of Moran there was at that time a proposed road development, in which the road from Dubois comes in and joins the road from Moran, was there not?

Mr. FABIAN. Yes.

Mr. PICKETT. And the property that Mr. Fessler owned was right at that junction?

Mr. FABIAN. Yes; he had about 11 acres there that he and Mr. Williams had purchased, at the proposed road junction. He had an option on a larger tract, and he had applied for a Forest Service permit on some more ground.

Mr. PICKETT. And you knew that he contemplated putting a store there at that junction?

Mr. FABIAN. Well, not quite that way, because he wanted to continue operating his store at Moran. He did not know what was going to happen to Moran. If he did not keep on at Moran he was going to reestablish himself at this road junction.

Mr. PICKETT. What was done by you, Mr. Fabian, to hold up the development of that road until you could purchase from Mr. Fessler?

Mr. FABIAN. Well, Mr. Webb took it up with Governor Emerson—no; not until we could purchase the road junction from Fessler.

Mr. PICKETT. All of that land along the road there, including Mr. Fessler's?

Mr. FABIAN. Yes; I probably should put it to you this way.

Mr. PICKETT. Suit yourself.

Mr. FABIAN. If I may.

Mr. PICKETT. Yes.

Mr. FABIAN. We had purchased the town of Moran for \$100,000 in cash. When I say "the town" that means the lodges there, and Mr. Fessler's store was there, and it was the central stopping place for people in that part of the valley. A new road was proposed, which would move the road junction from Moran where it then was to a point about 2 miles northeast of there. Now, when they commenced purchasing land for that new road junction, we foresaw immediately what there was going to develop there, because of the new road change—which, by the way, had been initiated by Albright—that there was going to develop there a new town that we would

have to buy out just as we had bought the other one. We regarded that as the creation of a new thing by the Government agencies themselves, which was going to cost us a lot, a whole lot more, and which we did not think should be quartered there in view of what we were doing. We took it up with Governor Emerson, and Mr. Miller went over to see Mr. Emerson about it, and Mr. Chorley and I went back to see the Park Service, the Forest Service, and the Bureau of Public Roads, in Washington about it. There was another element that entered into the picture. Jackson Lake Lodge, which was owned by some people in Casper and in other parts of Wyoming, would be right at this new road junction. They got the erroneous idea that what we were trying to do was to hurt them, and they quite violently opposed our efforts to have this road construction held up, and Mr. Sherman, of the Forest Service in Washington, and the Bureau of Public Roads, said they would hold it up for the rest of that season and give us an opportunity to purchase the properties of the people around there, and if we could not do it then they would have to go ahead with the road construction. The result of it all was that within a very short time it all worked out and the road went through.

Mr. PICKETT. Wasn't the real purpose of the delay to prevent road development there until you could buy the interest of Fessler and the people along that highway?

Mr. FABIAN. No; the real purpose that we wanted was not to have a new town spring up there, that we would have to buy.

Mr. PICKETT. You wanted to buy it because you wanted not to have a new town spring up?

Mr. FABIAN. Yes; I think that is correct.

Mr. PICKETT. Your purpose in delaying the road was to aid in the purchase of Mr. Fessler's ranch?

Mr. FABIAN. That is not quite correct as to Mr. Fessler. He had told me that he was perfectly willing to go on, and preferred to go on, running his store at Moran—that he had taken up his own 11 acres there to protect himself against the eventuality of his not being permitted to do so, and he was being permitted to do so, and at the time he conveyed the land to us. I think that was worked out perfectly satisfactorily to him, as far as I know.

Senator CAREY. Is that the same place where the new filling station has been built?

Mr. FABIAN. I think there was one built there last year; it is where the Twogottee Pass Road comes into the Jackson-Yellowstone Road.

Senator CAREY. There is a new station where the park road comes into the Moran Road; who operates those stations, do you recall?

Mr. FABIAN. They are both up in there—some outside parties, and some of the Teton companies.

Mr. PICKETT. You had correspondence with Mr. Albright in connection with this, and he took the matter up with the Bureau of Public Roads; did he not, Mr. Fabian?

Mr. FABIAN. Yes; I think he did.

Mr. PICKETT. And you discussed the matter with Mr. Weston, of Jackson, and he promised to go or was sent to Cheyenne to use his influence with the highway department to prevent the construction of that road at that time?

Mr. FABIAN. Well, he and Mr. Spaulding went together over there to appear before the highway department, and at the same time the

people came back from Casper, and they appeared there, and the highway was built.

Mr. PICKETT. But it was after almost a year's delay, wasn't it, Mr. Fabian?

Mr. FABIAN. Yes; that was not built until the next year, I think.

Mr. PICKETT. Mr. Weston was State treasurer at that time, and a member of the State board?

Mr. FABIAN. No; I think not, I think that was in 1930; wasn't it?

Mr. PICKETT. Yes.

Mr. FABIAN. In 1930?

Mr. PICKETT. Yes.

Mr. FABIAN. I do not think he was elected until the fall of 1930; isn't that right?

Mr. PICKETT. I think he was elected in the fall of 1929 and took office the 1st day of January 1930.

Mr. FABIAN. I am quite sure——

Mr. PICKETT. I think you are right.

Mr. FABIAN. I am quite sure the reason it was in 1930, because when they were all up in Moran and the Senate committee was there, everybody was running for office that fall, and that is the reason that I think it was the fall of 1930.

Mr. PICKETT. Now, Mr. Fabian, I have a copy of a letter taken from file 610-01, part 5, of the Park Service files. Before we go into that, I would like to have you explain to the committee your system of keeping files between yourself, the New York office, and the National Park Service.

Mr. FABIAN. Of course, each one of these copies was filed under our own system, but we sent copies of everything between the New York office and the Salt Lake office, and a great many copies have been sent to Mr. Albright.

Mr. PICKETT. But you sent a copy of every letter you wrote to anyone to Mr. Webb and the National Park Service?

Mr. FABIAN. Not all to the National Park Service, but, as far as I know, Mr. Webb and Mr. Chorley have copies of all of our correspondence. I think there are probably a good many that did not go to the National Park Service, as we did not think they would be interested in them.

Mr. PICKETT. And you received copies of all letters written by the National Park Service in connection with this project, did you not?

Mr. FABIAN. I think most of them. I have received a great many, I know.

Mr. PICKETT. Now, referring again to exhibit 10, this is a copy of a letter taken from the National Park Service file, file no. 610-01, part 5; I will ask you if you recall receiving that letter?

Mr. FABIAN. Why, I think so. If you took it from the park files, I assume it is correct.

Mr. PICKETT. Yes; I think it is correct. The original files are here in this box, and you can compare them if you wish. Now I have here, Mr. Chairman, some correspondence which has been identified as exhibits 10, 11, 12, 13, 14, 15, and 16, from the National Park Service files, which have to do with the holding up of that road, and I would like to produce them.

Chairman NYE. They are all concerned with this road project?

Mr. PICKETT. Some of them include other things which I will probably refer to later.

Chairman NYE. The letters which you offer are complete, are they?

Mr. PICKETT. They are complete, and the original file is here.

Senator NORBECK. From whom and to whom?

Mr. PICKETT. They are from different ones. They are from the Park Service files. Exhibit 10 is to Fabian from Kenneth Chorley; exhibit 11 is a letter to Horace Albright from Mr. Fabian; exhibit 12 is a letter to Mr. Albright from Mr. Fabian; exhibit 13 is a letter to Mr. Chorley from Arno B. Cammerer, acting director; no. 14 is a letter to Mr. Fabian from Mr. Albright; exhibit 15 is a letter to Mr. Albright, which contains the initials "HPG:C", which I think Mr. Fabian might be able to identify; and exhibit 16 is a letter to Mr. Albright from Harold P. Fabian.

Chairman NYE. In gathering these letters, you have had access to the complete file as it was carried by the Park Service?

Mr. PICKETT. Absolutely.

Chairman NYE. Is there other correspondence in the files dealing with this road project?

Mr. PICKETT. Not that I have run into.

Chairman NYE. You have, then, all of the letters from the files that are pertinent to this point, and are leaving out nothing touching upon the point that you are trying to make?

Mr. PICKETT. Mr. Chairman, I think I have gone through the files carefully, and I have found nothing further on this particular question.

Mr. FABIAN. Also, Mr. Chairman, I think I would like to add here that Mr. Pickett has also been tendered the access to all of our files covering the entire 6-year period, which is quite voluminous, of course, because we were at quite a distance from one another and all of our ideas had to be exchanged by correspondence.

Mr. PICKETT. Yes; I have had access to all of Mr. Fabian's files.

Mr. FABIAN. I think as to this one exhibit that those initials have probably been miscopied. I think those initials should be "HPF". I think I wrote that letter.

Chairman NYE. These letters, then, will be incorporated into the record under the numbers that have been prescribed for them.

(Whereupon, the papers marked for identification as "Exhibits 10, 11, 12, 13, 14, 15, and 16" were received in evidence, and are made a part of this record.)

EXHIBIT No. 10

File no. 610-01, part 5

ANAGANSETT, LONG ISLAND, N.Y.,

August 13, 1929.

HAROLD P. FABIAN, Esq.,

Snake River Land Co., Moran, Wyo.

DEAR HAROLD: Your letter of August 3 regarding Elk-Moran Road has been received and forwarded to us here, where I am trying to get a vacation.

I quite agree with you that Fessler promises to be a real menace. What to do about it is the question. We have got the road stopped, but how to get it changed to the Miller-Sheffield location is a question. It seems to me that the change is the only answer. Fessler is so well entrenched at the proposed road junction that it would no doubt be very expensive to buy him out. And from what I can see he is just going to operate and establish another Moran.

The only ray of light I can see is Albright. In the first place, as I understand it, he approved the present location. Therefore, if he could take the land and get a man from the State, the Forest Service and the Reclamation Service all there on the ground, and go over the situation with them, and get them all to agree to build the road on the Miller-Sheffield location, it seems to me that would be the answer. I am not inclined to think that I or Webb, as private citizens,

would be very effective in trying to get the Government to change the road. Albright could, of course, bring our plans into the discussion at his conference, if it seemed wise.

I think it would be well, if you agree, for both you and Albright to see the local Forest Service man, and take up with him the question of Fessler's lease. I have an idea that the Washington office depends a good deal on what the local men tell them.

Sincerely yours,

KENNETH CHORLEY.

Copies to: Horace M. Albright, Yellowstone Park; Vanderbilt Webb, New York City; A. E. Demaray, National Park Service, Washington.

EXHIBIT No. 11

File no. 610-01, part 7.

JANUARY 4, 1930.

MR. HORACE M. ALBRIGHT,
*Director National Park Service,
Department of Interior Building, Washington, D.C.*

DEAR MR. ALBRIGHT: Immediately upon receipt of your wire of the 2d instant, concerning the Teton Park transportation franchise, I advised Mr. Rayburn of the difficulties confronting us and wired Senator Smoot on the train, as per enclosed copy. The Senator replied to me as follows: "Telegram received. Have wired Albright. My telegram to him was sent on misstatement made me. I will see him Monday."

Mr. Rayburn will be in Washington Monday morning to look out for the company's interests.

I do not know just what to make of the Harris situation. He was not at all liked in Jackson Hole last summer; I do not think he is dependable because last fall when he asked me for garage privileges at Moran he told me he had the park franchise and the Union Pacific had agreed to fully finance him. I believe neither of these statements was true.

He is not the kind of man we would have even as an employee. Yesterday the representative of a well-known passenger-bus company came in to tell me that Harris had been to see him within the last few days, talking about busses, and has asked him to call Mr. Spencer and say that Harris was there arranging for his bus equipment. Daum tells me that the station agent at Victor had no use for Harris. Notwithstanding all this, last summer Mr. Spencer introduced Mr. Harris to me, saying that he hoped I would help him in every way, and he seems to have had some contact which put him in touch with Senator Smoot. I cannot help thinking that Harris has a silent partner of whom we do not know, and I am trying to find out about it.

The experience in this Harris question is somewhat influencing me in my desire to put Fessler in a store on the Richards' place and give Gabby no recognition there. If we let Gabby go in there for a year, he will then argue that we should not have let him go in at all unless we intended to let him stay, and it would be that much more difficult to carry out any obligations we may owe to Fessler.

I hope the same situation will not arise over the saddle-horse and pack-outfit concessions. Sam Woodring spent New Year's Eve with us on his way back from leave and he told me his plans for the trails around the Tetons. He is making trails along which can be taken saddle-horses trips varying from a half hour to 4 days. With proper equipment, animals, and guides, and with the right publicity, this concession can become one of the best points of contact between nature, the Park Service, and the public. There is no way that one can so thoroughly enjoy and appreciate a section of country as by going through it on foot or horseback. Mr. Woodring tells me that the trail and the distance between camps will be such that women and children can take it without any trouble. Developed properly, this can be a splendid service.

I have had it in the back of my mind to see, when the proper time comes, if Tony Grace would not like to operate this concession for us. I think he is just the right type of man for it; his quarters are there and he knows the Teton Peaks. I thought this might be worked out if and when the Snake River Land Co. buys his place. I have not mentioned this to anyone and it may not work at all, but I am sure it would be a good move.

Yours truly,

HAROLD P. FABIAN.

EXHIBIT No. 12

File no. 610-01, part 5.

SALT LAKE CITY, UTAH,
August 26, 1929.Mr. HORACE M. ALBRIGHT,
Director National Parks, United States National Park Service,
San Francisco, Calif.

DEAR HORACE: Please let me know just when and where I am to meet you at Yellowstone when you return there September 14. I assume that you are going direct from Glacier to Yellowstone and will not be passing through Ogden or Salt Lake.

This trip should be a good opportunity to explain the entire project to Secretary Wilbur. I hope you are making provision for us to have enough time to take him around the valley for the purpose of getting our picture.

Please have in mind what you will be willing to do for Crandall and also for Fessler. If Crandall gets the picture concession then you and I shall be able to talk him into selling his property to the company at a very reasonable rate. I think Fessler would be pleased to have the curio store concession, and we may be able to work out, in the same way, some plan by which we can buy Fessler right then and there.

Yours very truly,

HAROLD P. FABIAN.

EXHIBIT No. 13

File no. 610-01, part 5.

WASHINGTON, August 27, 1929.

Mr. KENNETH CHORLEY,
New York, N.Y.

DEAR MR. CHORLEY: Director Albright has forwarded a copy of Mr. Fabian's letter of August 3 relative to the possibility of changing the location of the proposed Forest Service highway north of Moran in the Jackson Hole area.

It is realized that unless action is taken in this direction Fessler, with his holdings at the junction just south of Jackson Lodge, could present an embarrassing situation. However, this is a Forest Service highway project, and inasmuch as it is entirely outside of the park it would not be good policy for us to interfere. The Snake River Land Co. might, however, get results by bringing pressure to bear on the district forester, and I would suggest that the problem be attacked in that way.

Sincerely yours,

ARNO B. CAMMERER, *Acting Director.*

EXHIBIT No. 14

File no. 610-01, part 7.

JANUARY 14, 1930.

Mr. HAROLD FABIAN,
President Snake River Land Co., Salt Lake City, Utah.

DEAR MR. FABIAN: Reference is made to your visit to this city on July 14, 1929, at which time, with Mr. Kenneth Chorley of New York and Mr. Demaray of this Service, you called upon Mr. Bishop, Chief of the Division of Construction of the Bureau of Public Roads, and Associate Forester Sherman of the United States Forest Service and secured their agreement to temporarily hold up the improvement of the Moran-Elk section of the Wind River Road north of Moran, Jackson Hole, Wyo.

At the time it was understood between all parties that the Snake River Land Co. would continue negotiations with local owners with a view to acquiring all property affected by this road improvement at the earliest possible date. It was also thought at the time that the acquisition of these holdings could be completed before winter and that on completion of the purchases you would advise the Park Service so that this Service in turn could advise the Bureau of Public Roads and the Forest Service that all objections to construction of this project were withdrawn. It was agreed that this should enable the Bureau of Public Roads to advertise for bids for the project early in the spring and enter into a contract for the programmed work well in advance of June 30, 1930.

The Forest Service had made informal inquiry as to the status of this matter. It is understood that the State and local interests are pushing the district forester

for action on this project. Please advise me fully on receipt of this letter as to the progress being made in straightening out this situation so that I may be completely informed in taking this matter up with the Forest Service and the Bureau.

Sincerely yours,

HORACE M. ALBRIGHT, *Director.*

EXHIBIT No. 15

File no. 610-01, part 4.

MORAN, WYO., August 10, 1929.

MR. KENNETH CHORLEY,
New York, N.Y.

DEAR KENNETH: We are trying very hard to break into the Jenny Lake situation. Homer Richards, who owns parcels 9, F and G, 44-116 has finished a number of tourist cabins, leases a building where a restaurant is run, has the post office and a store there. His cabins, although they are just out on the sagebrush flat, are filled with tourists every night. As I was passing there yesterday I overheard one man who was filling up with gasoline inquire of the station attendant if he could buy an acre or two of ground right around there. That is the danger of the situation around Jenny Lake, such men as Kimell who are looking for a small piece of ground on which to put a cabin. In the forepart of the season, Richards wanted \$150,000. Then his price came down to \$100,000, and yesterday he was willing to take \$35,000. I am trying to buy him for \$25,000, giving him the right to move his cabins and buildings, provided he moves them entirely out of our area. If I can do this, I think it will disintegrate this "nest" at Jenny Lake and open the way for us to clean it up.

The Harold Brown, Altenreid, Ferry, Gibo, and Elbo purchases have pretty well shaken the confidence of the standpatters, and I am trying hard to keep the ball rolling at least long enough to clean up Jenny Lake.

I suggested to Sam Woodring that a change in the road at Jenny Lake would be very effective. Consequently, yesterday he went over there and tentatively selected a line for a new road which would throw the present collection of cabins and stores off the highway. He dropped just enough information so that it would become public gossip. This, together with William's activities and the knowledge of the recent legislation giving the park power of condemnation, should help us get this problem solved.

Yours very truly,

EXHIBIT No. 16

File no. 610-01, part 5.

OCTOBER 29, 1929.

MR. HORACE M. ALBRIGHT,
*National Park Service, Department of the Interior,
Washington, D.C.*

DEAR HORACE: Daum arrived this morning and he, Rayburn, Pett, and myself have been going over plans for beginning operations. Can you arrange for Mr. Toll to let Daum spend at least some of his time in supervising what is going on at Moran? There is a great deal to be done this winter, and he has excellent ideas of which we would like the benefit.

We have concluded definitely that we must begin stage service next summer, and if you consistently can arrange it, the saddle-horse and boating concessions in the park should be let to us to be handled by someone for whom we will be responsible. This conclusion is the result of a conversation I had yesterday with H. Eugene Harris, which brought home to me the thought that I expressed in a previous letter, i. e. that if other people begin handling these various concessions, even temporarily, an unnecessary resistance will be established when they are turned over to us.

Harris is the man who for 2 years now has been operating such transportation service as they have had between Victor, Moran, and Jackson Lake Lodge. He is not at all the type of man that we would care to have operate for us. However, I know that the Union Pacific have been encouraging him and giving him at least their moral support.

His ostensible purpose in calling on me yesterday was to secure space for a garage and repair shop at Moran for next year. In answering my questions, he told me that he was going to expand considerably next summer, that you and

Sam Woodring had promised him the exclusive park transportation franchise, that the Union Pacific were backing him financially, that in fact he was practically working for the Union Pacific, who were making a great deal of their stage-line operations now, and that he was going East this winter to lecture on the Teton Park. How much the Union Pacific is really ready to back him I do not know, but it is certain that they must have adequate transportation from Victor through the Teton Park. It is essential to their competition with the Burlington and Northern Pacific.

While we do not care to be simply a Union Pacific agency, nor to alienate any other railroad, nevertheless we can do a great deal for the Union Pacific and they certainly can be a help to us. For example: Rayburn is already preparing to establish contacts both for the stage and lodge operations with some of the large national organizations which is bound to add to the rail traffic of the Union Pacific. And we appreciate that the Teton Park is a normal Union Pacific development. However, we think it highly important that the approach come from them to us, so that we will not be placed under obligations to them. I think this is a necessary position to take, because we will have the franchises and we must keep ourselves free to give proper service and connections to all agencies outside the park.

This is a matter which you can handle better than anyone else and I think it important that it be done right away. My suggestion is that you communicate with President Gray personally as soon as you conveniently can, let him know, to whatever extent you think proper, just what we are doing and going to do, and request him to instruct his organization to cooperate and work with me in every way possible. We will do our part and I am sure the outcome will be satisfactory to everyone.

What about the Jackson Lake Lodge? Daum and Rayburn both seem to feel that Moran is going to be too small to handle the traffic. They also feel (and I certainly agree with this) that our operation will hurt Jackson Lake Lodge at once and they will either have to come in and put up strong competition or they will see their investment lost. There are several possible solutions but the most satisfactory one would be to abandon the operation at Jackson Lake Lodge and move their buildings and equipment to Moran, at least for a few years. Daum says that can very easily be done at a surprisingly low cost. Who are they, what are your contacts with them, what are you recommending that the Snake River Land Co. do about them and have you any ideas to suggest as to how we should go about handling it?

Our conference is continuing this evening after dinner, but in the meantime it was the desire of all that this be gotten off to you by air mail.

Yours truly,

HAROLD P. FABIAN.

If you take it up with Mr. Gray in such a way that he merely passes your letter on through regular channels it will not do us much good with the local organization; it will probably require direct instructions from him for them to wholeheartedly cooperate with us.

I also think it would be well for the Chicago & North Western to work with us to develop Lander travel.

Mr. PICKETT. Now, in this letter, exhibit 10, Mr. Fabian, the last paragraph states—this is a letter from Mr. Chorley to you—

I think it would be well, if you agree, for both you and Albright to see the local Forest Service man, and take up with him the question of Fessler's lease. I have an idea that the Washington office depends a good deal on what the local men tell them.

Did you do anything in connection with that particular paragraph, or that particular request from Mr. Chorley?

Mr. FABIAN. I do not remember seeing the local Forest Service men about it. I saw Mr. McCain, who is the local Forest Service man, but I do not remember taking that up with him.

Mr. PICKETT. This letter is apparently written in response to a letter of yours. It says:

Your letter of August 3 regarding Elk-Moran Road has been received and forwarded to us here, where I am trying to get a vacation—

He apparently was on his vacation. Now, this says that—

I quite agree with you that Fessler promises to be a real menace. What to do about it is the question. We have got the road stopped, but how to get it changed to the Miller-Sheffield location is a question. It seems to me that the change is the only answer. Fessler is so well entrenched at the proposed road junction that it would no doubt be very expensive to buy him out. And from what I can see he is just going to operate and establish another Moran. The only ray of light I can see is Albright.

Had you suggested anything that Albright could do in connection with that?

Mr. FABIAN. I do not know whether I had in that letter or not. However, I certainly did. I took it up and talked to Mr. Albright myself about it. I explained about the old Sheffield Road, I know. There was a road that Sheffield had, running directly from Moran, that cut off a large detour toward the park, and he had built a bridge over Pilgrim Creek, and Mr. Sheffield and Mr. Fessler and some others thought that that should be the road that should be improved if any road was improved. That is what we wanted to have done in the first part of this road matter, but nothing was done about that. We eventually decided that all we could expect to do or all that we could properly ask them to do was not to change the situation there to anybody's detriment or benefit. Of course, that was discussed.

Mr. PICKETT. Was it detrimental to Mr. Fessler not to know that the road was going through so he could develop his own land?

Mr. FABIAN. It would be a benefit to Mr. Fessler and be a detriment to us. The ultimate end of that discussion and the argument was that we were entitled to have things left as they were.

Mr. PICKETT. But this was Mr. Fessler's land, was it not?

Mr. FABIAN. We were not doing anything to Mr. Fessler's land.

Mr. PICKETT. But he couldn't develop it if you were going to change the road, could he?

Mr. FABIAN. No; that is what I say. We had first talked about changing the road, but we abandoned that and took a position that we were at least entitled to have things remain as they were, for everybody concerned.

Mr. PICKETT. Now, in exhibit 11, this letter written by you no January 4, 1930, to Horace M. Albright, you said in the last paragraph:

The experience in this Harris question is somewhat influencing me in my desire to put Fessler in a store on the Richards place and give Gabbey no recognition there. If we let Gabbey go in there for a year, he will then argue that we should not have let him go in at all unless we intended to let him stay, and it would be that much more difficult to carry out any obligations we may owe to Fessler.

What did you have in mind there?

Mr. FABIAN. About what particular thing?

Mr. PICKETT. The part referred to, about giving Gabbey no recognition?

Mr. FABIAN. Mr. Gabbey wanted—he had applied for a lease from us to keep his store where it was and to carry on his store after we had bought the property. Mr. Fessler, as I say, had been concerned about what was going to happen to him, and the final arrangement that we made was that Mr. Fessler would continue his store operations at Moran, and that he would be permitted to carry on the store operations at Jenny Lake. We felt that if Mr. Gabbey were to go on and conduct the store down there, it would be rather difficult for us to

carry out our obligation to Mr. Fessler, and Mr. Fessler, so he told me, subsequently endeavored to work out a plan by which Mr. Gabbey would run the store down there for him, but that did not work out.

Mr. PICKETT. Did you ever make any suggestions as to a change of the highway between here and Moran?

Mr. FABIAN. The main highway between here and Moran?

Mr. PICKETT. Yes.

Mr. FABIAN. I don't think so.

Mr. PICKETT. Now, in this last paragraph of Exhibit 15, Mr. Fabian, you say to Mr. Chorley:

I suggested to Sam Woodring that a change in the road at Jenny Lake would be very effective. Consequently, yesterday he went over there and tentatively selected a line for a new road which would throw the present collection of cabins and stores off the highway. He dropped just enough information so that it would become public gossip. This, together with Williams' activities, and the knowledge of the recent legislation giving the Park power of condemnation should help us get this problem solved.

What did you mean by that?

Mr. FABIAN. There was a very difficult problem presented right around Jenny Lake. The land values were very high there; that is, the prices at which the land was being held were very high, and I had been told that the people there had all agreed that they were going to stand with one another to get, I do not know, how much money, but a great deal more than we were able to pay or that we were willing to pay for it, and that this agreement was for the purpose of getting prices out of the land that were extremely exorbitant. I thought that the prices were tremendously high for the land that we had bought there, as it was, and that suggestion that I made to Mr. Woodring—Mr. Woodring had said that he was figuring on running the road around in behind Jenny Lake instead of in front of it.

Mr. PICKETT. You say that you suggested that to him, Mr. Fabian?

Mr. FABIAN. We discussed that matter. If I said that, that is probably what I did.

Mr. PICKETT. Why did you select the superintendent of the Teton National Park with that suggestion?

Mr. FABIAN. As I say, the first talk of that road there came from Mr. Woodring. Of course, if the road went around on the other side of Jenny Lake, it would go through the park.

Mr. PICKETT. And the purpose of that suggestion, at least, was to influence these people in your purchase?

Mr. FABIAN. Yes, sir.

Senator ADAMS. The road now goes through the park, doesn't it, on the eastern side of Jenny Lake?

Mr. FABIAN. Yes.

Mr. PICKETT. Now, I want to know, Mr. Fabian, where this road was to run that you suggested to Mr. Woodring, that suggested change?

Mr. FABIAN. I don't know that I can tell you.

Mr. PICKETT. At least, it was off the present place?

Mr. FABIAN. Yes.

Mr. PICKETT. And would leave these people there off the highway?

Mr. FABIAN. Yes; it would leave Mr. Richards' cabins, and so forth, off the highway.

Mr. PICKETT. Did Mr. Woodring explain to you how he dropped information enough so that it would become public gossip?

Mr. FABIAN. I do not remember, but if I said he did, I guess he did.

Mr. PICKETT. Who was Williams?

Mr. FABIAN. Mr. Williams was—I think he was an inspector from the General Land Office out here.

Mr. PICKETT. Do you know him?

Mr. FABIAN. I wouldn't know him if I saw him.

Mr. PICKETT. Did you consult with him?

Mr. FABIAN. For a very short time, yes.

Mr. PICKETT. In what connection?

Mr. FABIAN. He came to see me when I was at Moran. He was out here investigating the pending entries in this area, and he came to see me about them, and I told him briefly about our project, and he asked me about a very few of them.

Mr. PICKETT. Why did he come to you, do you know?

Mr. FABIAN. I suppose he was told that I was out here in charge of this project, and he came to see me. He didn't tell me why he came to see me.

Mr. PICKETT. Did you discuss the pending entries?

Mr. FABIAN. A very few of them.

Senator CAREY. What was Mr. Williams' official position?

Mr. FABIAN. He was investigating the pending entries.

Senator CAREY. Does the letter state that Mr. Williams was assisting in changing this road?

Mr. PICKETT. No; the letter first referred to Woodring's activities, and then says:

This, together with Williams' activities, and the knowledge of the recent legislation giving the park power of condemnation should help us get this problem solved.

Senator CAREY. What was Mr. Williams' activities?

Mr. PICKETT. I am just trying to get at that. What entries did you discuss with him, do you recall?

Mr. FABIAN. No; I do not recall. I probably discussed the timber and stone entries.

Mr. PICKETT. Did you ask him to make any particular kind of an investigation?

Mr. FABIAN. No. I think he had been asked to come out here and make that investigation.

Mr. PICKETT. Did he tell you who had sent him?

Mr. FABIAN. No; he did not.

Mr. PICKETT. Did he tell you what kind of an investigation he had been directed to make?

Mr. FABIAN. I do not think he did, but I thought I knew what he was out here for.

Mr. PICKETT. Now, you refer here in this letter to "the knowledge of the recent legislation giving the park power of condemnation." Had that been circulated as public gossip, also, the same as the change of the road?

Mr. FABIAN. I do not know to what extent that had been circulated. I know I had been asked about it and had been told that it had been discussed.

Mr. PICKETT. Do you know when that recent legislation was enacted that you refer to?

Mr. FABIAN. No; I do not. That is what you asked me about, I think, earlier this morning. I don't anything about that.

Mr. PICKETT. I thought that letter might refresh your memory?

Mr. FABIAN. No; because I did not lay a great deal of store by any of that.

Mr. PICKETT. Do you know whether or not this move assisted you any in closing these deals?

Mr. FABIAN. I doubt if it ever assisted a particle.

Mr. PICKETT. But they were made for that purpose?

Mr. FABIAN. Well——

Senator ADAMS. If I get this story right, the people around in the neighborhood of Jenny Lake sort of combined on you to ask prices higher than you thought were justifiable, and then you combined with the Park Service to circulate rumors of a change of road, is that it, Mr. Fabian?

Mr. FABIAN. That is just about the situation. What we did, I do not think, had any effect upon that, not a particle.

Senator ADAMS. I am not questioning your part in it, but I was just wondering what your view would be as to a park official who would participate in circulating rumors in order to enable you to buy property cheaper than it was offered for sale.

Mr. FABIAN. How do you mean?

Senator ADAMS. As I understand, Mr. Woodring, whoever he may be, was allowing the rumor to go out that the Park Service was going to change the road, for the purpose of moving the road away from certain property, thereby lessening its value, and, of course, your interest was in order to get it at a lesser value. I am merely asking you what you think as to Mr. Woodring's activity. Of course, we know that two private individuals are entitled to deal with each other at arms length, but as to just why the Park Service should take a hand in it and circulate rumors of a change in the road to help one of those parties—that is what I am inquiring about.

Mr. FABIAN. Let me ask you one thing, Senator Adams. You use the term "lesser value."

Senator ADAMS. I do not mean that, but I refer to the price for the land. As I understand it, you were having to fight a combination that was formed to raise the prices on you, and I am not saying that it was not perfectly proper for you people to have combatted that in any way that you could, but I am just asking you what your judgment is as to the participation of a park official in circulating rumors of a change in the road in order to help your side of the controversy.

Mr. FABIAN. Well, I will admit, Senator Adams, to be perfectly frank with you, I do not think it was a smart thing or a very good thing for any of us to do.

Senator ADAMS. The term "smart" is not quite my interpretation of it.

Mr. FABIAN. I don't think that would be the correct word for it.

Chairman NYE. It was not the part of wisdom, you mean?

Mr. FABIAN. Yes, that is right.

Senator ADAMS. And I don't think it was proper, either.

Senator NORBECK. Was this a proposed change in the road or the building of a new road? Was it proposed to close the old road or was it proposed to build a new road?

Mr. FABIAN. No, it was proposed to build another one around there.

Mr. PICKETT. Now, exhibit 14, Mr. Fabian, is a letter to yourself from Mr. Albright, which says:

Reference is made to your visit to this city on July 24, 1929, at which time, with Mr. Kenneth Chorley of New York and Mr. Demaray of this Service, you called upon Mr. Bishop, chief of the division of construction of the Bureau of Public Roads, and Associate Forester Sherman of the United States Forest Service, and secured their agreement to temporarily hold up the improvement of the Moran-Elk section of the Wind River Road north of Moran, Jackson Hole, Wyo. At the time it was understood between all parties that the Snake River Land Co. would continue negotiations with local owners with a view to acquiring all property affected by this road improvement at the earliest possible date. It was also thought at the time that the acquisition of these holdings could be completed before winter and that on completion of the purchases you would advise the Park Service so that this Service in turn could advise the Bureau of Public Roads and the Forest Service that all objections to construction of this project were withdrawn. It was agreed that this should enable the Bureau of Public Roads to advertise for bids for the project early in the spring and enter into a contract for the programmed work well in advance of June 30, 1930.

Now, did you make that visit to the Bureau of Public Roads?

Mr. FABIAN. Mr. Chorley and I went to Washington and saw Mr. Sherman and, I think it was, Mr. McDonald of the Bureau of Public Roads.

Mr. PICKETT. And you prevailed on the chief of the division of construction of the Bureau of Public Roads to discontinue any further development there until you could purchase these properties, which you thought could be done before long?

Mr. FABIAN. I think that letter probably expresses all that was discussed.

Mr. PICKETT. Did you make the trip to Washington for that purpose?

Mr. FABIAN. No. I was in Washington.

Mr. PICKETT. Were you able to make these purchases before the time designated in this letter, June 30, 1930?

Mr. FABIAN. I think so; yes.

Mr. PICKETT. Then would you say that your agreement with the officials of the Bureau of Public Roads and the United States Forest Service accomplished its purpose?

Mr. FABIAN. I don't believe in any case.

Mr. PICKETT. But that was the purpose of it?

Mr. FABIAN. The purpose was to prevent them from making any changes there until we could get that worked out, just as in the situation with Mr. Fessler, as I told you.

Mr. PICKETT. Now, you refer here in exhibit 12 to Mr. Crandall and Mr. Fessler in a letter to Mr. Albright, in which you have to say:

Please have in mind what you will be willing to do for Crandall and also for Fessler. If Crandall gets the picture concession, then you and I shall be able to talk him into selling his property to the company at a very reasonable rate. I think Fessler would be pleased to have the curio store concession and we may be able to work out, in the same way, some plan by which we can buy Fessler right then and there.

Now, what could Mr. Albright do for Crandall and Fessler?

Mr. FABIAN. Mr. Crandall operated a photograph studio about 3 miles, I should say, something like that, from Jenny Lake. He operated a very fine place. He was a very artistic man, the kind of a man that Mr. Albright said he would like to have very much in

the park. The question with Mr. Crandall was, of course, what he would do if he sold that place to us. Mr. Albright said he would like very much—that he would like to have him in his park, and he finally gave him, I think, the photograph concession in the park, and I think that was of assistance to us in purchasing Mr. Crandall's property.

Mr. PICKETT. And, as you state here, that would help get a more reasonable rate?

Mr. FABIAN. I don't know whether it did or not.

Mr. PICKETT. That was the purpose of it?

Mr. FABIAN. Yes; because they were all terribly high, of course.

Mr. PICKETT. Why would you call upon the Director of the National Park Service to help you in obtaining a reasonable price for this property?

Mr. FABIAN. That property around that lake was all going into that park. They were going to get the benefit of it.

Mr. PICKETT. But, Mr. Fabian, you testified a while ago that you did not know until 1930 that that was going into a park?

Mr. FABIAN. No; I did not.

Mr. PICKETT. Excuse me. I beg your pardon. This property east of Jenny Lake is not in the park, is it?

Mr. FABIAN. No; it is not yet, but in 1929 the west side of the river, they were figuring, was to go into the park.

Mr. PICKETT. Was Mr. Albright handling the concessions outside of the parks in your areas?

Mr. FABIAN. No.

Mr. PICKETT. I don't understand what you mean by this, then.

Mr. FABIAN. There was a park that was created.

Mr. PICKETT. This Teton National Park?

Mr. FABIAN. Yes, sir; that was in existence.

Mr. PICKETT. But they didn't want to go over there—they wanted to operate at Moran, didn't they?

Mr. FABIAN. No, Crandall wanted to go into the park, and he is in the park now.

Mr. PICKETT. Wasn't he given this store at Moran?

Mr. FABIAN. No.

Mr. PICKETT. Hasn't he a store there now?

Mr. FABIAN. Where?

Mr. PICKETT. At Moran?

Mr. FABIAN. Yes, we gave him a place at Moran.

Mr. PICKETT. That is what I am referring to.

Mr. FABIAN. Yes, he has that store there.

Mr. PICKETT. And isn't that what you referred to in this letter?

Mr. FABIAN. No, because he went over into the Teton Park, also.

Mr. PICKETT. And wasn't your agreement with Mr. Crandall that if that went into a park, he could retain that concession right?

Mr. FABIAN. No, he got the concession right from Mr. Albright in the present Teton Park, and, in addition to that, we have given him a store at Moran, which is owned by the Snake River Land Co. for a 5-year period. We gave him the building, gave him a place to operate.

Mr. PICKETT. What would become of him if Congress should introduce a bill now locating a park there? What would be Crandall's position?

Mr. FABIAN. I suppose Crandall would go on—that his franchise would be coextensive with his present right.

Mr. PICKETT. That would be your understanding?

Mr. FABIAN. Yes.

Mr. PICKETT. That if a park was created there, he could have the concession?

Mr. FABIAN. I suppose so, because they give him a yearly concession.

Mr. PICKETT. But how could you give it to him?

Mr. FABIAN. I did not. Mr. Albright did.

Mr. PICKETT. Mr. Albright promised him that if it became a park he would have that concession?

Mr. FABIAN. No, that is not correct.

Mr. PICKETT. The store at Moran is the one I am interested in now?

Mr. FABIAN. I don't think he said anything to him about that.

Mr. PICKETT. What would be his position now——

Mr. FABIAN. I think that his concession, that his right to have a photograph store, would extend to Moran if and when that is included in the park.

Senator CAREY. What was the objection to giving Mr. Gabbey a deal similar to what was given to Mr. Crandall? He was established there along the road.

Mr. FABIAN. There were two reasons for that, Senator Carey. In the first place, Mr. Gabbey had had 126 acres of land which he owned. Now, subsequent to the July 7 withdrawal, and before the later withdrawal date, he filed on, I think it was, 240 acres more under the new homestead or a grazing homestead, something of that kind, and was not successful in having it recognized by the Land Office. Now, we didn't have anything to do with contesting Mr. Gabbey's claim. That was a Land Office matter. When Mr. Winger went to see Mr. Gabbey in an endeavor to purchase his land, and he offered Mr. Gabbey for his 126 acres of ground and his store, which was quite a way from where his land was—the store wasn't on his own land at all——

Senator CAREY. Was that the same store that was later bought from Mr. Richards?

Mr. FABIAN. Yes. That was on another piece of ground entirely.

Senator CAREY. When Mr. Winger bought Mr. Richards' land, he knew that the store belonged to Mr. Gabbey, because he had tried to buy it, so he must have known?

Mr. FABIAN. Mr. Gabbey had a right there, and he had a store there and his store fixtures.

Senator CAREY. So Mr. Winger knew that the store belonged to Mr. Gabbey?

Mr. FABIAN. I did not understand that he did. He was advised by Homer Richards that Homer Richards owned that.

Senator CAREY. Didn't you just say that he tried to buy that store?

Mr. FABIAN. Yes, he tried to buy his business out there for \$15,000 and Mr. Winger told me that Mr. Gabbey had replied that the Snake River Land Co. had prevented his getting the rest of the pending entry, and that the Snake River Land Co. was going to pay him a hundred dollars an acre for his whole three-hundred-and-sixty-odd acres, or \$36,000, for his place, which was entirely out of the question, for if it was anything at all, he had applied for it only for grazing land.

I advised the people in the East about it, and when Mr. Gabbey asked for a lease I wrote to them and Mr. Chorley and Mr. Webb both wrote to me and said they did not want to give a lease to him. That was one reason. The other reason was that Mr. Fessler was going to be given a store right there—we had to recognize him—and Mr. Fessler tried to work that out with Mr. Gabbey and he couldn't do it.

Senator CAREY. Did Mr. Gabbey have a store there before Mr. Fessler had a store?

Mr. FABIAN. No, Mr. Fessler was there first.

Senator ADAMS. May I draw a little on your legal knowledge as to the status of these concessions. What is the status of a concession in a national park—that is, is it subject to revocation at any time, or is it regarded as a contract right?

Mr. FABIAN. I am not very familiar with that, but my understanding is that there are different kinds. Some of them are simply annual. I have seen Mr. Crandall's, but I don't remember—I believe it is 10 years, but I am not sure.

Senator ADAMS. Could Mr. Albright give a concession of a character which would be a contract, which could not be revoked by his successor or by himself?

Mr. FABIAN. Yes, he gets a term contract, and I assume it would be recognized, especially if he went in and made improvements on it.

Senator ADAMS. I am not speaking of being recognized. I am speaking of its legal status. Is it a permit, a revocable permit, or is it an annual contract right from the Government which could not be revoked?

Mr. FABIAN. I think these term permits must be really contract rights, because people that have them go in and make improvements on the strength of them. I think Crandall has one for a definite term of more than one year. They also issue revocable permits, I believe, but I believe that Mr. Crandall has been given a term permit. However, I would not want to testify absolutely as to that.

Senator ADAMS. I thought perhaps you had investigated that phase of it.

Mr. FABIAN. No.

Senator ADAMS. Are these concessions issued or granted for compensation to the park at all?

Mr. FABIAN. I think they generally are. Yes; I think they have some kind of provision for payment. I do not know what it is, however.

Senator CAREY. It is a percentage of their receipts in Yellowstone Park, but I don't know what it is here.

Chairman NYE. Yes; and they are carried back into the general funds of the Government, and not into the funds of the park at all. What is Mr. Fessler's arrangement in his store at Moran?

Mr. FABIAN. Mr. Fessler has a 5-year lease on his store, with an option of a 5-year renewal, on a percentage basis of his gross profit.

Chairman NYE. With whom?

Mr. FABIAN. With the Teton Lodge Co.

Chairman NYE. What consideration does he pay for that lease, do you know?

Mr. FABIAN. I think it is 12 percent, but I am not sure. I did know about that, but I do not know that I have the details correctly in mind now. I remember that there was some question at the time

as to whether Mr. Sheffield or Mr. Fessler owned the store, and Mr. Fessler's statement was accepted that he owned the store, and he improved it quite a good deal, and there was an allowance made to him for the improvements on that store—I believe it was \$5,000, but that is just a matter of memory.

Chairman NYE. Is that 12 percent of the gross income from his store?

Mr. FABIAN. Yes; the gross receipts.

Senator NORBECK. Is that on the gross profits or the gross receipts?

Mr. FABIAN. I think on the gross receipts, but that is just a guess on that.

Senator NORBECK. You mentioned the Teton Investment Co. Will you explain to the committee just what that company is, and its purposes?

Mr. FABIAN. Yes. How much further do you want me to go, outside of the letter in there? It is explained rather fully in there.

Senator ADAMS. The Rayburn letter?

Mr. FABIAN. Yes.

Senator NORBECK. Yes; that will save the time of the committee, if that is explained in the book. You are the president of the Teton Investment Co., are you not?

Mr. FABIAN. No; I am neither an officer nor a director of it, and I have not been for a long time.

Senator ADAMS. But you have been a stockholder?

Mr. FABIAN. Yes.

Mr. PICKETT. Were you ever a director?

Mr. FABIAN. Yes; I was a director of it when it was first organized.

Mr. PICKETT. When was it first organized?

Mr. FABIAN. In the first part of 1930.

Mr. PICKETT. Was that after you knew that this proposed project was to go into a national park?

Mr. FABIAN. That that part of it on the west side of the river was; yes.

Mr. PICKETT. You refer to this national park in one of these letters in 1929?

Mr. FABIAN. Yes.

Mr. PICKETT. When did you say that you found or discovered that that particular area was to go into a park?

Mr. FABIAN. We had discussed that phase of it with Secretary Wilbur when he was out here in that summer or fall.

Mr. PICKETT. That was in 1929?

Mr. FABIAN. That was in 1929.

Mr. PICKETT. How long after that was it that the Teton Investment Co. was organized?

Mr. FABIAN. I think about 3 months. If I remember correctly, Secretary Wilbur was out there in September.

Mr. PICKETT. And you organized this company and took over Moran?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. That was the largest operating lodge in this area, was it not, Mr. Fabian?

Mr. FABIAN. That was more of a settlement there than there was at Jackson Lake Lodge. Of course, Jackson Lake Lodge was also operating.

Mr. PICKETT. Did the Teton Investment Co. purchase that from the Snake River Land Co.?

Mr. FABIAN. No; leased it.

Mr. PICKETT. Yes; I meant it leased it. Did you negotiate that lease?

Mr. FABIAN. I took a part in it. Mr. Rayburn and Mr. Webb really concluded it in the East.

Mr. PICKETT. Was there any cash put up by you gentlemen to purchase that, or to lease it?

Mr. FABIAN. What do you mean, was there any cash put up in addition to the rental that was provided in the lease to be paid?

Mr. PICKETT. Yes. Mr. Rockefeller, I understand, or the Snake River Land Co. had paid approximately a hundred thousand dollars for that property.

Mr. FABIAN. Yes.

Mr. PICKETT. When you leased it, did you just pay the rental, or did you agree to pay for those buildings?

Mr. FABIAN. The Snake River Land Co. put up \$35,000, or advanced \$35,000, to put in a new sewage system, a new water system, and all of the rehabilitation that took place there at Moran, and the Teton Lodge Co., under the terms of its lease, agreed to pay that \$35,000 at the rate of \$5,000 a year for the first 7 years. I think that is all in the letter there. It was also to pay, I think, 6 percent of the gross receipts as a rental, and, in addition to that, it was to have an option to purchase the improvements at any time within the term of the lease for an additional payment of \$65,000. I believe I have stated that correctly.

Mr. PICKETT. Then the Snake River Land Co. would be operating or leasing a concession in the park for at least 10 years, if that had gone into a park at that time?

Mr. FABIAN. Yes.

Mr. PICKETT. And you people would be operating it?

Mr. FABIAN. Yes.

Mr. PICKETT. Now, what was your understanding with Mr. Albright, as Director of the National Park Service, as to your concession rights?

Mr. FABIAN. At the time this matter came up, which was in the fall of 1929, the Snake River Land Co. was faced with the problem of doing something with Moran. Moran was established very many years before Mr. Sheffield, and it had grown into a recognized tourist stopping place in that end of the valley. It was dilapidated, and Mr. Sheffield has been leasing for a year from us and, of course, there was no reason for him to do anything about improving it. Therefore, the Snake River Land Co. was faced with the proposition of either operating it or tearing it down. If it was to be operated, a great deal of money had to be spent in its rehabilitation. The conclusion finally was that Moran should not be torn down, for two or three reasons. In the first place, if we were to tear that place down, a new town would spring up over there, which would tie in with that same road-junction business. In the second place, the traveling public were going to have to be taken care of, and these little places would be springing up all around on the highway, which was the very thing which we had set out to buy out and to eliminate in the first place.

In the third place, there was a general obligation to the traveling public. It was the subject of quite a little discussion and it was discussed with Mr. Chorley and Mr. Albright on the occasion of Secretary Wilbur's visit out here. Mr. Chorley said that the Snake River Land Co. was not in the hotel business, and I said that I was no hotel man, but that we had taken over these Ferrin ranches and had them on our hands all during the summer, and I had been trying to work out a cooperative purchasing program between Mr. Winger and Mr. Miller, and I told them that I was not going to run a hotel in addition to the other things that we were doing down there, and the suggestion was made of forming a leasing company. It was further suggested that, inasmuch as this place was going to be improved, because we had decided not to tear it down, but that we were going to go ahead and improve it, anyway, that it should be done, if it was satisfactory to Mr. Albright, inasmuch as that part was expected to go into a park.

Then, the discussion came up about the utility operations, and there had been a great deal of criticism in the press and otherwise about the operations in other parks, and the treatment of the public by the operators, and so forth, and I conceived the idea that we could do a very fine service, if Moran were put into this park, if we could get a representative group of people from these surrounding States, Utah, Idaho, and Wyoming in particular, who would all take an interest in this thing, so that, while the utility operations would be confined to one company, as they have to be in a park, as the season is so short, we would in reality have here an operator that was really representative of the people around here and interested in the proper development of the territory. Mr. Albright was quite enthusiastic about it. That is what I set out to do. They asked me to undertake it, and I set out to do it.

MR. PICKETT. The question was, what was your understanding with Albright in connection with these concessions?

MR. FABIAN. Mr. Albright expected that this would be the beginning of the lodge and utility operations for the park when it was extended and made a part of it. We had no contract with him. That was our understanding, however.

MR. PICKETT. And he agreed that you were to have the concession rights?

MR. FABIAN. Yes.

MR. PICKETT. Were there any promises of any further extension of these utility projects?

MR. FABIAN. This was to be the utility operator in that park, this company.

MR. PICKETT. But didn't you have in mind eventually going into Yellowstone?

MR. FABIAN. No. I will tell you what happened as to that, however. Mr. Albright made the suggestion that if we could work that out for the smaller park here, it would be desirable to have the same thing worked out where the utility was really owned by the people of these States in Yellowstone, and I myself thought that that might possibly be done. However, there was no possibility of it, and nobody but myself took it seriously, I think.

MR. PICKETT. But you discussed that with Mr. Albright?

MR. FABIAN. I discussed it at that time with Mr. Albright, but I think Mr. Albright never referred to it again.

Mr. PICKETT. Now, I have here a letter to Mr. Albright, exhibit 17, which is taken from the National Park Service file no. 610-01, part 5, which is a letter written by you to Horace M. Albright, and exhibit 18 is taken from the same file, being File No. 610-01, part 6, dated November 20, 1929, yourself to Mr. Albright. You may refer to those if you care to. I want to ask you some questions about them. Do you recall those particular letters?

Mr. FABIAN. I recall this one.

Mr. PICKETT. Do you recall this other letter?

Mr. FABIAN. Yes, I recall the substance of that letter. I have no copy of it.

Mr. PICKETT. I think I can find the original with your signature on it, if you wish.

EXHIBIT No. 17

File No. 610-01, part 5

SALT LAKE CITY, UTAH,
October 14, 1929.

Mr. HORACE M. ALBRIGHT,
National Park Service, Washington, D.C.

DEAR HORACE: After my telephone conversation a few days ago, I had a long session with Rayburn and Pett, the former because of his splendid executive ability and force, his hotel experience, and his wide hotel acquaintance, the latter because of his sound judgment and dependability. It was determined to go ahead with the entire plan. After two telephone conversations with Chorley and some further conferences here it is agreed that the company will expend \$25,000 in improving Moran. Rayburn will organize an operating company which will take a 5-year lease on Moran at a fixed rental of \$5,000 a year (this will return the company's \$25,000 spent on improvements) and a royalty of 6 percent on the gross receipts. Whether or not it will prove profitable to the operating company cannot yet be told. The primary thought is the performance of a necessary service at this time as part of the general determination to build for you a park service that will reflect nothing but credit upon your administration. It has been unanimously determined to make that at all times the first consideration. But of course, you know that as long as I have anything to do with it that will be the case and the service will be as distinctly a part of your organization and as subject to your wishes and policies, as though you were its chief. That is the sentiment expressed by Rayburn and Pett, wholly uninspired by any suggestions from me.

If Moran does show any substantial profits after providing a reasonable compensation for Rayburn's time, that will be kept and used for park development as soon as that time arrives.

Let me suggest that you caution Woodring not to let any concessions for more than a season, and even then, not to any organized groups who may be working into a position where they will have a right to demand the concessions later. If you can do so, I wish you would let the Snake River Land Co. have all the gasoline and oil stations, or to put it in another way, to give no gasoline and oil concessions in the Teton Park this year. We have the Ferry Bridge station and the Moran station and are just buying Homer Richard's place at Jenny Lake. We will do much better for next year if the oil companies have to come to us for all their stations. The Utah oil sales manager asked me very casually a month or so ago about it and when he learned that the park was under actual operation, he dismissed any further conversation by saying, "Oh well, we can fix that with the park, then." As soon as I get the Homer Richard's purchase completed, and this situation entirely in hand, we will then call for bids from various oil companies. You know the Shell people are very actively and aggressively in this field now.

You may be surprised and think it overambitious but the plan is to make a serious endeavor to reach the final objective you suggested, i.e. Yellowstone as well as Teton. I very fully appreciate how much can be done for you there on the one hand, and the opportunity that is offered on the other.

Yours truly,

HAROLD P. FABIAN.

Mr. FABIAN. No; if you say that is a correct copy, that is all right.

Mr. PICKETT. The original is in the Park Service files.

Mr. FABIAN. Yes.

Mr. PICKETT. Now, on October 14, 1929, in exhibit 17, which is a letter from you to Mr. Albright, you state that—

After my telephone conversation a few days ago, I had a long session with Rayburn and Pett, the former because of his splendid executive ability and force, his hotel experience, and his wide hotel acquaintance, the latter because of his sound judgment and dependability. It was determined to go ahead with the entire plan."

Now, you conclude that letter, Mr. Fabian, with this paragraph:

You may be surprised and think it overambitious, but the plan is to make a serious endeavor to reach the final objective you suggested, i. e., Yellowstone as well as Teton. I very fully appreciate how much can be done for you there on the one hand and the opportunity that is offered on the other.

Now, what went on in that conference with Rayburn and Pett?

Mr. FABIAN. I told them what Mr. Albright had said, as I have outlined it to you, and they said that that would be a fine thing, on the face of it, but it was not a possible thing. I think they were just kind enough to me—

Mr. PICKETT. But you apparently had discussed with Mr. Albright the taking over of the Yellowstone concessions?

Mr. FABIAN. Only to the extent that I have already told you.

Mr. PICKETT. But you say here that he suggested it?

Mr. FABIAN. Yes; that is what he said, that if we could extend it to the Yellowstone it would be a splendid thing, and he would like to have it worked out that way.

Mr. PICKETT. Did you get the information from Mr. Albright as to when that concession expired for the present concession in the park?

Mr. FABIAN. No, not at all, and nothing was done about working that out. The concessions in the Yellowstone are a tremendously heavy investment, something that none of us could do anything with.

Senator NORBECK. Are they operating at a profit?

Mr. FABIAN. I don't know.

Senator NORBECK. What is your judgment about that?

Mr. FABIAN. Judging from this year, they are not operating at a profit.

Senator NORBECK. Therefore, if you had gotten them, you would probably have gotten a white elephant.

Mr. FABIAN. There was no question of this group being able to raise the funds necessary to take over the utilities in Yellowstone.

Mr. PICKETT. These letters were written in 1929?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. And, no doubt, they were making money then?

Senator NORBECK. I should think they were slipping then because the railroad travel was letting up.

Mr. FABIAN. I will say that there was nobody else who took me seriously about that Yellowstone business.

Mr. PICKETT. In this letter, exhibit 18, dated November 20, 1929, which was written by you to Mr. Albright, you make this statement:

And the point of it all is that Beverly feels I have gone completely "hay wire" over the Jackson Hole and Teton Park matter and that I am too much losing sight of the law firm of Fabian and Clendenin. But, notwithstanding his opposite view, I still think you are offering us an unusually splendid opportunity, which must be taken advantage of by action now; and the action that must be necessarily taken at this time will require a great deal of attention, sound judgment, and prompt movement, for all of the elements must be gathered into one sack

at this time. What is not done now will very quickly be in a position where it will either present many complications (which prompt action now can avoid) or it will be entirely out of reach. Hence, I am going to follow my own judgment, notwithstanding Beverly's views, otherwise.

And now, this was written—the first letter was October 14, and this letter is November 20, 1929. You and Mr. Glendenin have one of the leading law firms in the State of Utah, have you not?

Mr. FABIAN. Well, we have an active law firm.

Mr. PICKETT. And recognized very highly? Of course, that may be rather personal.

Chairman NYE. I imagine Mr. Fabian hopes that is the case.

Senator ASHURST. The well-known modesty of lawyers precludes him from saying that it is a great firm.

Senator ADAMS. Who is Beverly, by the way?

Mr. FABIAN. He is my partner in the firm.

Mr. PICKETT. That is a rather significant statement, and I would like to have you explain it.

EXHIBIT No. 18

File no. 610-01, part 6

(National Park Service; received Nov. 22, 1929; office of the Director)

SAN FRANCISCO, November 20, 1929.

Mr. HORACE M. ALBRIGHT,

Care National Park Service,

Department of the Interior Building,
Washington, D.C.

DEAR HORACE: Herewith copy of letter which I have just received from Miss Cunningham, along with copies of the correspondence which she referred to.

I am sending you a copy of this letter, directly, for two reasons, first, because I am too busy here to analyze the situation myself, and, secondly, because Miss Cunningham is up to date on the recent correspondence and her judgment is pretty sound. Of course, her ideas must be discounted in proper measure on account of her customary confidence in the "boss".

At first glance, I believe that she is right that I should go East, but it is very difficult for me to do so. As you know, I was away from the office 6 weeks this summer and twice again this fall on Snake River land business, and now here for 2 weeks and I cannot go to New York and Washington the first of December short of another 2 weeks.

And the point of it all is that Beverly feels I have gone completely "hay wire" over the Jackson Hole and Teton Park matter and that I am too much losing sight of the law firm of Fabian & Clendenin.

But, notwithstanding his opposite view, I still think you are offering us an unusually splendid opportunity, which must be taken advantage of by action now; and the action that must be necessarily taken at this time will require a great deal of attention, sound judgment, and prompt movement, for all of the elements must be gathered into one sack at this time. What is not done now will very quickly be in a position where it will either present many complications (which prompt action now can avoid) or it will be entirely out of reach. Hence, I am going to follow my own judgment, notwithstanding Beverly's views otherwise.

I am afraid Miss Cunningham's expression of Beverly's acquiescence was made to remove that obstacle from my consideration, and if it was based at all upon what Beverly said, it was a statement she got from him in an unguarded moment.

Hence, if it is necessary for me to go East, I will do so; but before making that decision I want to feel certain that the work in the office can be so arranged as to permit it and that Beverly does not feel too much imposed upon. Of course, I would much prefer going East at Van's request.

I expect to be back in Salt Lake Monday or Tuesday of next week and would like to hear from you on the above as soon as the press of your own matters will permit.

Please return the enclosed copy of Miss Cunningham's letter.

I spent Sunday with Crawford Greene at his home across the bay. He left the next morning for the Yosemite. He is very keenly interested in the work

which he is undertaking for you and outlined his plan of procedure. I think you will find that he will get good results. I wish you could have been with us.

With best regards, I am

Very truly yours,

HAROLD P. FABIAN.

Mr. FABIAN. Well, I had been putting in quite a number of weeks on this project here, and I had come up here and stayed up here for considerable time, as I have explained to you, and we took over the Ferrin ranch that spring, and we were developing that, and I was giving a lot of time to that, and I was giving a lot of time to the purchasing problems of the company, and this development of Moran came on, and I was enthusiastic about that, and I thought—and I think even now—that if we had met with a different kind of cooperation and could have gotten the representative sort of personnel that I had hoped to get, that we would have done a fine thing. It was just my enthusiasm for it. That letter, I think, I wrote when I was in San Francisco trying a case over there, before we had really gotten into the Moran matter, and Mr. Clendenin never expressed himself to me as I have stated in that letter, but I felt that he felt that way. I was so enthusiastic about the Snake River Land Co. and the development of the projects that we were doing here—and I still think it is a splendid thing.

Mr. PICKETT. You had in mind the control of all of these concessions, didn't you, Mr. Fabrian?

Mr. FABIAN. For this company to have?

Mr. PICKETT. Yes.

Mr. FABIAN. That is what we believed Mr. Albright had suggested in the first place, but that has not been done there.

Mr. PICKETT. I mean——

Mr. FABIAN. That was in my mind at that time, yes.

Mr. PICKETT. Did you have any discussion with Albright about the repeal of that part of the Act, creating Grand Teton National Park, which applies to roads and hotels?

Mr. FABIAN. Why, I do not know that I discussed it with Albright, but I guess perhaps I have, too, because of course the present Grand Teton National Park is just the mountains and those little lakes, but if this park should be extended I do not think there is any question about it but what there has to be a highway in it. The highway is there, there will be the highway over Togwotee, a public highway. I think there also has to be something done to take care of the people in the park, and of course as the park is at the present time that is about the only place which would be available. While personally I think Jenny Lake should be kept absolutely as it is, and no hotel put there, I do not know but what the demand of the people that travel through here will some day even make it necessary to have a hotel there. I certainly hope not; there should not be.

Chairman NYE. Does the bill creating the present Grand Teton National Park prevent any such construction there?

Mr. FABIAN. Yes.

Mr. PICKETT. The question here, Senator, was about the repeal of that part of that Act.

Chairman NYE. I see.

Mr. FABIAN. I would certainly hope no change was made, and that so far as the present Teton park is concerned, when it is extended, as I say, the highways are going to be there.

Mr. PICKETT. Did you discuss the repeal of that act with Mr. Albright or Secretary Wilbur?

Mr. FABIAN. I do not think so.

Senator ADAMS. As I get it, there might be a different treatment of the added area without changing the regulations as to the original park?

Mr. FABIAN. I think there would have to be. Incidentally, Mr. Pickett, all I was doing, and everything I am telling you, was discussed with Webb and Chorley, and Secretary Wilbur was advised all about it, and it was referred to at length in the fall of that year before the Senate committee, with Senator Carey present.

Mr. PICKETT. It was not a park at that time?

Mr. FABIAN. No, sir.

Mr. PICKETT. You were in here, representing a private individual, to purchase the lands to create a park.

Mr. FABIAN. Yes, sir.

Mr. PICKETT. To be turned over to the National Park Service, of which Mr. Albright was the director?

Mr. FABIAN. Yes.

Mr. PICKETT. At the same time you were making the purchases he was agreeing to give you all of the concession rights?

Mr. FABIAN. To that company.

Mr. PICKETT. I mean, that company?

Mr. FABIAN. Yes. Well, now there was no definite agreement, but that is what was the understanding, that if that company performed the service and was of the character that it was expected to be, it would get the concession rights; that is correct.

Mr. PICKETT. And anyone else would be eliminated?

Mr. FABIAN. Well, that it would get them; I do not know that we would eliminate anybody else that was there.

Mr. PICKETT. Do you know how concession rights are ordinarily granted in national parks?

Mr. FABIAN. No; I don't.

Mr. PICKETT. You do not know whether it is by competitive bidding, or not?

Mr. FABIAN. No; I don't.

Senator NORBECK. What profit are you making on the business you are conducting now? What would be the equivalent of the concessions?

Mr. FABIAN. So far as I know, they are losing money.

Senator NORBECK. We are fooling away time just on the matter of whether somebody is losing money or not.

Mr. PICKETT. It is just the principle of the matter.

Senator NORBECK. I know enough about the Park Service to know that Albright would give concessions to anybody that would operate them well.

Mr. FABIAN. I make this statement. In December 1930 it was found that the people, whom we hoped would come in with us—and by “we” I mean the people in Wyoming—were not coming in, but, on the contrary, the Snake River Land Co. was being criticized, and the people whom I represented authorized me to state, and I think you were there at the meeting—

Senator NORBECK. This is the second time you have appeared before a committee of which I was a member. You will pardon me

for being out of patience, but this is old stuff for me. You told this to a committee at Washington, at the request of Senator Carey; Yesterday we got this pamphlet, which explains it all; today you are appearing again, and at Moran you told it again; so this is my fourth time.

Senator ASHURST. This is my first; you are unusually favored, you know.

Mr. FABIAN. The point I want understood is that on that occasion, within about 12 months after this had been organized, when we found it was not being properly received, the members of the Teton companies stated before the Senate committee then, have told Senator Carey since, and have stated here that they are perfectly willing to step out of this picture and let anybody take it over that the National Park Service wants to take it over.

Senator NORBECK. First, you have no promise at the present time of any concession, and, secondly, you do not have to have it, is that correct?

Mr. FABIAN. That is perfectly correct.

Senator NORBECK. Then let us not take the rest of the afternoon on that question.

Senator CAREY. You stated you had a promise.

Mr. FABIAN. We did, at that time.

Senator NORBECK. At the present time?

Senator CAREY. Has the promise been revoked?

Senator NORBECK. He stated before the committee, when you were present, that he did not have.

Senator CAREY. Maybe he had a promise.

Senator NORBECK. But he was perfectly willing to relinquish it.

Senator CAREY. But he had a promise.

Mr. PICKETT. Am I to attempt to complete this record, or rely upon the record of some other time? I am not familiar with the other records.

Senator NORBECK. Counsel has my sympathy in the matter. My only statement to counsel is that his guide must be the resolution providing for this investigation.

Mr. PICKETT. I am attempting to follow that.

Senator NORBECK. Surely.

Mr. PICKETT. I am waiting now for the files.

Chairman NYE. While you are waiting for the files, might I ask, has there been, Mr. Fabian, any suggestion or any intimation that Mr. Albright might want an interest in this concession holding company?

Mr. FABIAN. There has not.

Chairman NYE. Has it been offered to him?

Mr. FABIAN. No, sir.

Chairman NYE. Or has he indicated a desire to have it?

Mr. FABIAN. No, sir; none whatever.

Senator NORBECK. Why not let the record show that Albright has severed his connection with the Park Service, and has gone into private business?

Mr. FABIAN. I might add this, that everybody connected with the Teton Co. regrets very much that they had anything to do with it, and would be very glad to get out of it.

Senator NORBECK. You mean, the concessions?

Mr. FABIAN. Yes; largely for the reason that it has been used to reflect against Mr. Rockefeller, who has nothing whatever to do with it.

Senator CAREY. You stated the need of keeping Moran open, and of course among other things was the accommodation of the public; at the time you improved Moran, Jackson Lake Lodge was established?

Mr. FABIAN. Yes, sir.

Senator CAREY. You did not purchase the lodge at that time?

Mr. FABIAN. Yes, sir.

Senator CAREY. Why would it not have been possible, if Moran was torn down, to have permitted Jackson Lake Lodge to continue?

Mr. FABIAN. Jackson Lake Lodge did not perform the service at all that Moran furnished. Jackson Lake Lodge was a sort of semi-dude ranch, a semipublic accommodation; it was high-class accommodation, and catered to people who wanted to pay high prices. Moran was already there, and it catered to the general public. In regard to Jackson Lake Lodge, it was situated on a Forest Service permit, with the exception of a small fraction of ground of about an acre and a fraction, and there was a question of what would be done with Jackson Lake Lodge.

They were anxious to sell their place, and I had always felt that Jackson Lake Lodge should have been purchased by the Snake River Land Co., but Webb and Chorley both felt that inasmuch as the title was already in the Government it should not be purchased. The Jackson Lake Lodge people felt we were unfair to them in not buying them out; they were very anxious to sell. When we rehabilitated Moran and approved it they thought we were doing it in order to build up a business and destroy their business, which was not a fact. Mr. Ellison had been a great friend of Albright's—he was president of the Jackson Lake Co., and became very much upset about it, and after sometime, the forepart of 1930, they sent a Dr. Hunt down to see us, to see if the Teton companies would buy Jackson Lake Lodge, and the suggestion was made that the Teton companies would be very much delighted to have these Wyoming people join with them, and consolidate the two companies, and Dr. Hunt simply laughed and said they had all they wanted of it, and they wanted to sell for cash or not at all. He went back. Shortly after that Mr. Rayburn and I went together and met Mr. Ellison and discussed the situation. Mr. Webb and Mr. Chorley were very much adverse to any of my discussions or consideration of Jackson Lake Lodge, and when I thought that the program or the thought that should be carried out would be to consolidate them and have the Wyoming people in with us, they thought this was grand. So the upshot of it was that we did make a partial purchase and partial consolidation with the Jackson Lake Lodge; that is, they were partly paid in cash, and turned in their stock for stock in the Teton companies, so that they became one, more or less, in a measure, and we accomplished what we hoped to accomplish with the inclusion of Wyoming people with us.

Mr. PICKETT. Mr. Fabian, what were your plans as to the development of power at Jackson Dam, if you had any?

Mr. FABIAN. Mr. Markham, Joe Markham, who is in charge of the reclamation work there at Moran, wanted the overflow water, the spillway water, used for development of power. He said he had wanted it for some little time. He took it up with Rayburn, and

Rayburn spoke to me about it. I asked Albright if he would get reports for us, if he had any, from the Reclamation Service to see what could be done about it, if anything, and the result of that investigation disclosed that there was no opportunity to do anything with it—it was just a summer flow of water.

MR. PICKETT. Did not Albright, through the Reclamation Bureau, furnish you with a very elaborate report as to the power there, and the power necessary to furnish and equip Yellowstone Park and the Jackson Hole Valley?

MR. FABIAN. I do not think it was a very elaborate report; he furnished us with his data on it that he got from the Reclamation Service.

MR. PICKETT. Why would he be furnishing you with information as to furnishing power to Yellowstone Park?

MR. FABIAN. Well, I do not know, unless it was asked for. Of course, if anything was to be done a market had to be found for it.

MR. PICKETT. Then it was not just a wild idea of yours?

MR. FABIAN. That power plant?

MR. PICKETT. That Yellowstone Park development?

MR. FABIAN. That had nothing to do with any of these companies, except to furnish power or deliver it to the Yellowstone, but it was all an impossibility and nothing could be done with it at all. I do not think that occupied much of anybody's time, the consideration of it; it was investigated, and it was found to have nothing to it.

MR. PICKETT. You received a copy of a letter, didn't you, from Elwood Mead to Albright, in which he criticized Albright for securing that information for private individuals?

MR. FABIAN. Why, I do not remember that. I remember there was a copy of a letter from Mr. Mead. He said that he had gotten it for the Park Service. Yes; I think there was a letter—Mr. Rayburn wrote to me some time later and said that some people were figuring on putting in a power plant at the dam, and wanted to know what there was to it.

SENATOR ADAMS. There is no power developed at that Jackson Dam at this time?

MR. FABIAN. No; all there is is that the water is tied up all winter long; they are filling the lake.

SENATOR ADAMS. There is no summer development?

MR. FABIAN. No; there isn't any there. Mr. Markham wanted it there for the use of the Reclamation Service, and the Reclamation Service would not develop it themselves. We took it up with Rayburn, and nothing at all came of it because it was not feasible.

MR. PICKETT. Do you think that development that you have gone over is consistent with maintaining this country in its natural state, and the preservation of the wild game?

MR. FABIAN. Yes; somebody has to provide a place for people to stop. If there is any place in the Jackson Hole where they can be housed and taken care of, that will not spoil the scenery in this section; at least, it is where this place is under the dam at Moran.

MR. PICKETT. Mr. Fabian, there are some letters in this file of yours, no. 1102, that I would like to have copies made of and placed in the record in connection with a matter I was questioning you about. Some time later you may have these copies made.

SENATOR CAREY. Was that power development to be at Moran or in the Snake River Canyon?

Mr. FABIAN. No; it was Joe Markham's idea to be at the dam.

Senator NORBECK. Could you think of a more unsightly place for a community center than under that big dam?

Mr. FABIAN. It is the worst place I have ever seen.

Mr. PICKETT. But the only place around here?

Mr. FABIAN. The only place around here in that end of the valley—that and Jackson Lake Lodge.

Mr. PICKETT. Now, in connection with the Teton Transportation Co., Mr. Fabian, I would like to have you explain that deal of yours with the Department of the Interior in obtaining a franchise, and what was done by you in connection with an application made by a man named Gene Harris?

Mr. FABIAN. Mr. Eugene Harris had run a service of a kind between Victor, in Idaho, at the end of the railroad, and Jackson Lake Lodge. I think he started it in 1928; I am not certain, but that is my recollection. I first heard of Mr. Harris in 1929, when Mr. Sheffield was taking a year's lease on Moran. Mr. Harris said he understood we had bought Moran and said he would like to have the privilege of making Moran on one end of his bus line, and stopping there with his bus. I told him that Mr. Sheffield had the property there and he would have to see Sheffield, but that I would talk to Sheffield—which I did—who said he would not let Mr. Harris stop at Moran because he was not the kind of man he wanted to have on his place.

I saw Harris a few times in the valley, and saw his equipment, but paid practically no attention to it; but in that winter, when the Tetons were organized, it was necessary to give a transportation service between Victor and Moran, and for that purpose a transportation company was organized. That consisted of one trip a day each way—that is, from Moran to Victor, and back again, passing over Teton Pass, a distance of about 60 miles entirely. We wanted to have that transportation service comparable with the other services we had expected to give at the lodge, and for that purpose we negotiated for and purchased the best motor-bus equipment we could buy—I think it cost about \$6,000 for the bus that was put in. Mr. Harris came to me and said he would like to operate the bus line. I told Harris that from what I had heard and knew of him he was not the kind of man we would want to operate the bus line, but I referred him to Mr. Rayburn, who was president of the company, and he thought the same thing about it. Mr. Rayburn thought that we ought to have a park transportation permit. There was no part of the road it was necessary for the bus to travel over that ran through the park, but there was a little loop of it that did go through the park; but I think the point that Rayburn had mostly in mind, and that the others had in mind, was that they should have that recognition. So a park franchise was applied for. It was opposed by Mr. Harris. Mr. Harris went to Washington, and he went to all of the Members of the congressional delegations of Utah, Idaho, and Wyoming, stating in each instance that he was a constituent of theirs and that he had been a pioneer in the transportation business, and that he should have the franchise and the Teton Co. should not. He went to the White Bus Co. and asked them to give him some statement to show that he had a bus, so that he could make representations that he had proper equipment, and so forth, and the

question finally came down to one of whether or not Harris was going to get the franchise, or that the Teton companies were going to get the franchise.

Mr. Albright thought it was wholly unnecessary for the Teton companies to have any franchise, and he suggested that they simply get their certificate from the State and go ahead and operate. I told the group of men who were in the Teton companies that, but they would not do that. They said if they were not going to be recognized they would not go ahead and operate it. Well, it was the subject of a good deal of correspondence and telegrams. Mr. Harris, I was advised, finally walked into Vice President Curtis' office and told him he was being badly treated, and they had hearings before Albright, and they had hearings before the Assistant Secretary of the Interior, and finally it went to the Secretary of the Interior himself, Dr. Wilbur, and the result of it was that a franchise was issued to the Teton Co. and not to Mr. Harris.

Mr. PICKETT. Didn't Senator Smoot, of Utah, appear before the Secretary in behalf of Harris at one time?

Mr. FABIAN. I do not think he appeared there; no; I think he sent word to Albright that he wanted to have Harris considered, or have Mr. Albright hold it up until he could talk to him.

Mr. PICKETT. And you got in touch with Senator Smoot?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. You, at that time, were national Republican committeeman from Utah?

Mr. FABIAN. I think so.

Mr. PICKETT. And you asked him to withdraw his support for Mr. Harris?

Mr. FABIAN. No; we told Senator Smoot the sort of service that we were attempting to perform, and who the men were that were behind it—it was a substantial group of men, that was going to give good service there—and that we thought we were entitled to have that franchise granted to us.

Mr. PICKETT. And he withdrew his support for Harris?

Mr. FABIAN. I think he investigated, yes; because the equipment that Harris had was very, very poor. The final determination was that if we would purchase Harris' equipment, that franchise would be given to us—and, by the way, that was simply a year-by-year permit; it is an unsuitable permit in every way—which we agreed to do. After Harris came back he came to see me—he had been to see Rayburn a number of times—and he asked if we were going to buy his equipment, and I said we had agreed to do so and would. I asked him what he thought it was worth, and he stated his equipment was not worth anything; he would not ask us to buy it, but that he had the rights of a pioneer and would sell those for a half interest in the Teton companies. That was not done.

Mr. PICKETT. You are acquainted with Mr. Basinger, of the Union Pacific Railroad Co.?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. He had the support of Mr. Basinger, did he not, originally, Mr. Fabian?

Mr. FABIAN. Well, Harris seemed to have the facility of going to most anybody and getting support. I do not know how he got Mr. Basinger's support, but I do know this, that Mr. D. S. Spencer, who

was the passenger agent of the Union Pacific System at Salt Lake City, investigated this situation very carefully. Harris ran his bus the next year—and let me suggest here that if you are interested in knowing what Harris gave, or if this committee wants to know about it, I suggest you ask Mr. Woodring, the superintendent of the Teton Parks, who dealt with him for a year, or ask Mr. Hinds, the station agent at Victor, who dealt with him for 2 or 3 years. Mr. Spencer, the latter part of that year, came up here to make a special investigation of him, and he came back and told me that we were absolutely right and that Harris was not the man who should be permitted to run a stage line.

Mr. PICKETT. Didn't you ask Albright to meet Mr. Gray, president of the Union Pacific, and Basinger, and go over the matter in connection with this?

Mr. FABIAN. Not in connection with the Harris franchise. What I wanted Albright to meet with Mr. Gray and Mr. Basinger for was to work out some arrangement—I did that at the suggestion of Mr. Basinger, on interchange of traffic, to work out some arrangement by which the Union Pacific and the Teton companies would coordinate their operation.

Mr. PICKETT. That was for the benefit of the Teton companies that you asked him to appear before Mr. Gray?

Mr. FABIAN. I did not ask him to appear before Mr. Gray, I asked him to talk to him about it.

Mr. PICKETT. And he did consult him?

Mr. FABIAN. Yes.

Mr. PICKETT. Why should he consult the Director of the National Park Service to get that help?

Mr. FABIAN. Because I knew the Director of the National Park Service understood the situation very well, he had them before him a great deal—the Park Service is naturally interested in the cooperation of all those utilities, they cooperate altogether on these things so that they will flow smoothly.

Mr. PICKETT. Another question in connection with that, did you ask Mr. McDermott and Mr. Baker of Kemmerer to wire Mr. Carter in connection with this application of Harris, about which Mr. Carter had appeared before the Secretary of the Interior?

Mr. FABIAN. Why, I do not know whether I did or not; I think Mr. Rayburn did.

Mr. PICKETT. Do you know yourself how Mr. Rayburn obtained the information that Carter appeared before the Secretary of the Interior?

Mr. FABIAN. Why, I suppose we learned it from Albright. As I say, he went to all of these various members of Congress, and stirred one up and then another one, and kept that up for some little time.

Mr. PICKETT. Didn't Albright ask you if the two could not run, because he had told Harris that there would be no concessions granted?

Mr. FABIAN. He asked if the two could not run. His suggestion was, as I say, that no franchise be given, but the people who were interested in the Teton companies said they would not do that, that if they were going to operate they were going to operate properly, and not with a situation of that kind to face, because it was a very expensive operation. I can characterize that kind of an operation to

you by giving the experience we had with Mr. Howard Hout. They wanted some one to run that stage line that could run it properly, and Mr. Van Vleck suggested that Howard Hout, a friend of his, and who had recently sold a very good line to the Union Pacific system, operate that stage line, and Mr. Van Vleck brought Hout with Mr. Rayburn and Mr. Budge, and asked that I be present with them, and Mr. Hout, when he learned of the operation, hauling the different pieces of equipment twice a day for a few passengers, and back, he did not want anything to do with it. The interest of the transportation company was to get that transportation service run well and properly. (Thereupon, exhibit no. 19 was marked for identification.)

EXHIBIT No. 19

[Telegram]

File no. 610-01, part 7

SNAKE RIVER LAND Co.,
January 3, 1930.

Senator REED SMOOT,

*Care of Conductor Los Angeles Limited, No. 8,
Due North Platte, Nebr., 1:25 p.m., January 3:*

In working out Jackson Hole and Teton Park plan, which I explained to you last summer, it became necessary to provide management for hotel and lodge operations at Moran and a transportation service. Since this would naturally grow into park facility it became important to interest men of character that would insure stability and high ideals and cooperation with Park Service. For this purpose we have organized group consisting of Joe Rayburn, Imer Pet, John Fitzpatrick, Ross Beason, W. W. Armstrong, Lincoln Kelly, myself, and several others to take over and carry on these operations under management of Rayburn. We believe Rayburn is of outstanding ability in this field and that the group of men will give him all necessary support. Rayburn has applied to park department for transportation franchise, but am just advised this being held up account your intercession on behalf of Eugene Harris. Rayburn will be in Washington Monday morning. Please give him opportunity to explain matter full to you, so he may have your support in park department, if you agree with soundness of his proposal.

HAROLD P. FABIAN.

Mr. PICKETT. Handing you exhibit no. 19, is that a copy of a wire you recall you wrote to Senator Smoot?

Mr. FABIAN. I think so.

Mr. PICKETT. I want to introduce this into the record.

Chairman NYE. Do you offer it as another exhibit?

Mr. PICKETT. Yes.

Chairman NYE. All right, it may be received. You are not going to quote from it now?

Mr. PICKETT. No.

Senator ADAMS. You operated the bus line for some time—your company?

Mr. FABIAN. Yes; they operated then, it is still operating.

Senator ADAMS. Still operating?

Mr. FABIAN. Yes; I do not think it ever comes through the park. They secured a certificate of convenience and necessity from the State of Wyoming, and also from the State of Idaho, and put up the bonds, and so forth.

Mr. PICKETT. The real value of that transportation route, Mr. Fabian, was based upon future development?

Mr. FABIAN. That is, any development it has, because it hasn't any now, or any value.

Mr. PICKETT. In fact, it does not run into Teton National Park now, does it.

Mr. FABIAN. No; it does not, its real purpose is to haul passengers back and forth between Victor and Moran, and furnish service in the summertime in Jackson.

Mr. PICKETT. Albright appeared before the Secretary of the Interior in behalf of you and this Harris application, did he not?

Mr. FABIAN. I do not think he appeared on our behalf, no.

Mr. PICKETT. Did he appear?

Mr. FABIAN. Before the Secretary of the Interior?

Mr. PICKETT. Yes, or his assistant?

Mr. FABIAN. I cannot even tell you that, I assume he did. Mr. Edwards had a subsequent hearing on it, in which he went into the entire matter and approved the determination of Albright. How that was handled I do not know.

Mr. PICKETT. That was in the early part of 1930?

Mr. FABIAN. Yes.

Mr. PICKETT. And it was after Albright had promised you all of the concessions?

Mr. FABIAN. Yes.

Mr. PICKETT. When Secretary Wilbur was here in 1929 did you discuss concession rights with him?

Mr. FABIAN. No; but he was advised fully of it by letter.

Mr. PICKETT. Are you acquainted, Mr. Fabian, with the permit which Ole Warner had on Jackson Lake?

Mr. FABIAN. No; I know he has a camp there, I do not know about his permit. I understand he has a forest permit lease, a forest lease.

Mr. PICKETT. Do you recall anything that you did to prevent his development of that camp?

Mr. FABIAN. Well, I do not recall just what you have in mind. (Thereupon, exhibit no. 20 was marked for identification.)

EXHIBIT No. 20

File no. 610-01, part 9.

SALT LAKE CITY, UTAH, June 6, 1930.

Mr. HORACE M. ALBRIGHT,
*Director National Park Service,
Department of the Interior, Washington, D.C.*

DEAR MR. ALBRIGHT: I believe we have pretty well run down the Olie Warner situation, and the facts are as follows:

Olie Warner has a special-use permit renewable from year to year (not a term permit) on the shore of Jackson Lake about a mile and a half south of Moran. You can see his tent frames down through the trees as you pass along the main highway, and he has a sign that hangs on the edge of the highway.

Two Salt Lake men, George Stegner and W. L. Payne, are working with Warner for a lease of a tourist camp, including buildings and a boat landing pier. Apparently, they intend to incorporate. They have made an application for a 15-year permit intending to spend between \$10,000 and \$15,000 for cabins, boat landings, and other improvements, provided they can get the long-term permit. Messrs. Payne and Stegner have agreed to furnish the necessary bond.

It is the understanding of the Ogden Forest Service office that this permit will probably have to be approved by the National Park Service if it is located in an area that may be included in the national park at some future date, but they do not know whether or not this is located in any such area. In other words, they do not seem to know here that any of this area is to be protected against the granting of further permits. I was surprised at this because I had supposed this was thoroughly understood by the Forest Service at the time Kenneth took up with you the new lemonade and gas station that he saw being constructed across the road from the Elk store year before last.

In discussing this situation with Williams and Wedlock last week at Moran when we were going over the matter of their concession, it developed that Williams and Wedlock have just been granted a year-to-year permit on Elk Island and Daum has been granted a similar year-to-year permit on Elk Island for the Teton

Lodge Co. Williams and Wedlock were anxious to have theirs made a long-term permit and so requested McCain, who advised them that no permit for longer than a year could be granted without Mr. Albright's consent, but that Olie Warner was after a long-term permit, and that if he could get Warner's for him, he could do likewise for Williams and Wedlock.

I think it most inadvisable to have the situation there complicated by any of these long-term permits. I think it much preferable to confine them all to year-to-year basis (including our own on Elk Island). If Olie Warner is permitted to go in there for a long term and build substantial improvements, he will then have substantial rights which will have to be recognized.

We here know Payne. He is an agent in the Department of Justice and is looking for some means of getting into some business outside of the service. He asked that we give the Moran boating concession to Warner, rather implying that if we did not do so he and Warner were nevertheless going ahead to give us competition, and leading us to believe that they already had the 15-year lease. We had thought of giving it to him when at one time it seemed as though we could not get together with Williams and Wedlock, but, of course, we prefer the latter, both on account of the land situation at the road junction and because we are also advised they are probably more competent than Warner. And since learning that Payne and Warner have not yet secured their 15-year lease, we have a little lost confidence in Payne in view of his leading us to believe that it was secured and that he had put up the bond for it.

I think you should go into this situation pretty carefully, not only on account of this particular man, but the forest departments should have an understanding concerning this entire area and not grant any other long-term permits for any purposes.

Yours very truly,

HAROLD P. FABIAN.

Mr. PICKETT. Exhibit 20 is a letter from yourself to Albright, written June 6, 1930, taken from file 610, part 9, of the Park Service files, which has to do with that permit; is that your letter, Mr. Fabian?

Mr. FABIAN. Yes.

Mr. PICKETT. I want to offer exhibit 20 in evidence.

Chairman NYE. Very well.

Senator ASHURST. Is there any particular feature of the letter to which you want to draw our attention?

Mr. PICKETT. I want to ask Mr. Fabian in connection with one paragraph.

Mr. PICKETT. You say in this exhibit no. 20—

I think it most inadvisable to have the situation there complicated by any of these long term permits. I think it most preferable to confine them all to year-to-year basis (including our own on Elk Island). If Olie Warner is permitted to go in there for a long term and build substantial improvements, he will then have substantial rights which will have to be recognized.

Now, what objection did you have to that, Mr. Fabian?

Mr. FABIAN. It would present the same situation that the Harris situation presented. Williams and Wedlock were having the boating rights, as far as this company were concerned.

Mr. PICKETT. You say also in this letter, that—

Mr. Warner was intending to spend between ten thousand and fifteen thousand dollars for cabins, boat landings, and other improvements on his property.

Would that be undesirable under your plans?

Mr. FABIAN. Why, no, I do not think it would be undesirable, if he wanted to put his improvements on there. I think that was already allowed to him when he was doing it, and has done it.

Mr. PICKETT. Why did you object to it?

Mr. FABIAN. Because if their original program had been carried out the situation would have developed exactly into the situation that Harris was contending he was in; if they were to let somebody

else come in and develop it, it would be one thing, and, if not, they should not have started.

Senator CAREY. Would this Warner matter conflict with somebody else that was promised the boating rights?

Mr. FABIAN. Yes; I think it would.

Senator CAREY. Who had been promised the boating rights?

Mr. FABIAN. If the Teton company had the boating rights it would conflict with others. Of course, the boating rights and the saddle horse proposition in the lower part of the park I think had already been granted to other people, but this boating right was a question that would some day probably develop.

Senator NORBECK. On a short-term lease, instead of a long term, is that it?

Mr. FABIAN. Yes.

Mr. PICKETT. You conclude your letter by saying—

I think you should go into this situation pretty carefully, not only on account of this particular man, but the forest departments should have an understanding concerning this entire area and not grant any other long-term permits for any purposes.

What did you expect Mr. Albright to do as a result of that?

Mr. FABIAN. That goes into an entirely wider question, the question of the granting of permits throughout the whole area that had nothing to do with the Teton companies, because that was the subject of a good deal of correspondence, as I recall it, as to whether or not the Forest Service would be granting long-time permits for the erection of all sorts of improvements in the area that the Snake River Land Co. was trying to purchase, and clean up on those things.

Mr. PICKETT. Did you grant someone else a permit?

Mr. FABIAN. For what?

Mr. PICKETT. A concession to operate boats there, similar to Warner's?

Mr. FABIAN. Yes; they had a contract there, I think for 2 years.

Mr. PICKETT. Who was that?

Mr. FABIAN. Williams and Wedlock.

Mr. PICKETT. What right did you have to grant that concession?

Mr. FABIAN. No, not to grant a concession; they had a contract from Teton Lodge to operate the boats.

Mr. PICKETT. Do you know what was done with this with regard to Warner?

Mr. FABIAN. No, I do not; I think, nothing.

Mr. PICKETT. Do you know what Albright did in connection with this?

Mr. FABIAN. No; I don't.

Mr. PICKETT. Why did you ask Mr. Albright to go to the Forest Service in order to help out in this matter?

Mr. FABIAN. Well, Mr. Albright was going to have these companies handle the concessions in this area here, and I supposed he was the proper one to look to—I know he is the one we did look to. If this was going to be developed it had to be developed in the right way, otherwise it would fail, of course.

Mr. PICKETT. Do you think it was a fair thing to Warner?

Mr. FABIAN. I think it was a good deal fairer to have it exist at the start than to have the man start in on a business of that kind, and keep on improving, and then have the conflict over it; I thought so, very much so.

Mr. PICKETT. Wasn't the objection really for the protection of Wedlock and Williams?

Mr. FABIAN. Well, I do not think so. I think, as far as I was concerned, of course, those matters were called to my attention by Rayburn, who was operating, and here is the object of all of us, was to have this start and continue on a basis of what would ultimately be carried out and be successful.

Mr. PICKETT. Mr. Warner has been eliminated from competition now?

Mr. FABIAN. No; I think that camp has grown quite successfully.

Senator NORBECK. You understand that the whole question here is whether a short-term lease or long-term lease should have been granted?

Mr. FABIAN. Yes.

Senator NORBECK. And, as a matter of fact, short-term leases were granted, the same as done in a good many other places, subject to cancelation if found necessary, and that the applicant secured his lease and is operating; is that correct?

Mr. FABIAN. That is correct.

Senator NORBECK. I do not get the point of it.

Senator CAREY. The short-term lease prevents a man from developing, whereas the long-term lease permits him to go ahead and develop.

Senator NORBECK. That is all true enough, but sometimes places become undesirable. We have places in South Dakota where even for permanent improvements we grant short-term leases, subject to the proposition that they are run the proper way.

Senator CAREY. That is right.

Senator NORBECK. They may run fifty or a hundred years, if they run them right.

Mr. FABIAN. This whole development was following our conversation with Albright, and following the plan discussed with Secretary Wilbur. It was at that time contemplated that this part of the area on the west side of the river would go into the new park, and if this was to be worked out as a park utility it seemed to me then, and still seems to me now, that if it is to be worked out that it should have been worked out on the proper basis to begin with, and not wait until complications arise and people come in and make developments that they would not carry on. Of course, as I say, that is all out of the picture now, because the Teton companies expect to step out of this when it is turned over to the park, if any way can be found to do it.

Senator NORBECK. A good deal has been said about the east side of the park, but no one has called attention to the irregularity of the boundary line. As I understand it, it intersected with private ownership, that made it easy to commercialize the east side of the park, and that is a more acute thing for you to face than the acquiring of the other land, is that right? In other words, the lands immediately adjoining Teton Park to the east was of more importance to the park than those farther away?

Mr. FABIAN. Yes. Teton Park, I think, was dedicated in July of 1929. It was created, I think, in 1928, and the minute that that was created, why, of course, these lands over there——

Senator NORBECK. They began to commercialize the boundary of the park?

Mr. FABIAN. Yes; they went up very rapidly.

Mr. PICKETT. I would like to introduce a letter, exhibit no. 21, taken from file 519-01, no. 10, of the Park Service file, being a letter from Albright to Major Stuart, Washington, D.C., which was written 12 days after the letter of Mr. Fabian to Albright in connection with the Ole Warner permit. I do not care to read it.

Chairman NYE. It is ordered that it be inserted in the record. (Thereupon, exhibit no. 21 was marked for identification.)

EXHIBIT No. 21

JUNE 18, 1930.

File no. 510-01, part 10.

Maj. R. Y. STUART,
Chief Forester, U.S. Forest Service, Washington, D.C.

DEAR MAJOR STUART: Several years ago, in fact about 12 years ago, a policy was inaugurated by the Park Service and the Forest Service stipulating that no special use or other permits should be granted in the area proposed to be added to Yellowstone National Park unless it was mutually agreed between the officers of the two bureaus that such permits would not conflict with park administration in case legislation should be enacted transferring the territory involved to the Park Service. In general, this policy has been adhered to through the years.

On February 26, 1929, the Grand Teton National Park was established, thus giving national park status to part of the area proposed formerly to be added to Yellowstone National Park and which was withdrawn by proclamations of the President dated July 8, 1918, and January 28, 1921. However, the remaining lands that were withdrawn in aid of Yellowstone extension legislation remained under withdrawal and still remain in this special status.

Now, as you know, we have up for consideration, in connection with the general Jackson Hole problem, a further revision of park lines, particularly a plan to extend the Grand Teton National Park out to the Snake River and north ward to connect it with Yellowstone Park. I am now advised that some special-use permits either have been granted or are about to be granted to a Mr. Ollie Warner to operate some kind of a resort on Jackson Lake, that he has been required by the Forest Service to expend between \$10,000 and \$15,000 in improvements after which a long-term franchise will be granted to him. I would appreciate it very much if you would advise me as to the status of this matter and whether or not there has been any change in the policy of the Forest Service in reference to granting permits in the neighborhood of Jackson Lake.

I sincerely hope that we can keep things in status quo so far as the development of new tourist facilities is concerned until we can get the Jackson Hole problem definitely settled. In view of the present outlook that this difficult situation is likely to be settled next winter, is it not possible to withhold approval of any and all projects affecting territory that may possibly receive national-park status, at least until next winter. Furthermore, I suggest, in view of the purchases that are being made by the Snake River Land Co., that there is danger in encouraging further investments under special use permits. We may find that such investments may be in conflict with the general program of conservation in the Jackson Hole and we may feel it necessary to ask the Snake River Land Co. to purchase such improvements. My earnest plea, therefore, is that the status quo ante be maintained for the present and that the policy in reference to lands withdrawn in aid of park legislation be continued.

Sincerely yours,

HORACE M. ALBRIGHT, *Director*.

Mr. PICKETT. Now, Mr. Fabian, you have known for a good many years that the Wyoming delegation in Congress were very much interested in the Casper-Alcova project, and its completion, and during this time haven't you created or attempted to create any opposition to that project in the Senate, because of the Wyoming delegation's opposition to this project?

Mr. FABIAN. I do not know whether they have been interested a great many years, but what I suppose you have in mind is the advice I got from Albright about the Casper-Alcova project, and some of the Members in Congress—voluntary statements—that they were going to

oppose the Casper-Alcova project because of the opposition of the Wyoming delegation to this Jackson Hole project; is that it?

Mr. PICKETT. Yes; go ahead.

Mr. FABIAN. I did not do anything with anybody else. I think I wired or wrote to Albright that I hoped that would be done, because I thought this was being made a matter of politics here, and not a matter of working out the project on its own merits.

Mr. PICKETT. You talked to different Senators in connection with that, didn't you, Mr. Fabian?

Mr. FABIAN. About the Casper-Alcova project?

Mr. PICKETT. Yes, and the opposition of the Wyoming delegation to this project.

Mr. FABIAN. I talked, or rather the members of the House appropriations committee—I think it was Mr. Murphy who was chairman of that committee, or a subcommittee of that committee—when he was out there he spoke to me about it, and I believe also a Congressman from Colorado, Taylor, I think was his name, they both volunteered to me—they were going over the Casper-Alcova project, and they both told me that they thought the Wyoming delegation were not treating this project here fairly, and at the same time they were asking for help on the Casper-Alcova project.

Mr. PICKETT. Both were Wyoming projects?

Mr. FABIAN. Yes.

Senator CAREY. What did this have to do with the other? Is it necessary for our delegation to favor this to get the Casper-Alcova project?

Mr. FABIAN. No; that is not what I have in mind.

Senator CAREY. I want to find out about Mr. Taylor and Mr. Murphy, what they meant by saying the Wyoming delegation should support this to get the other.

Mr. FABIAN. I think they thought that this had become a matter of politics here.

Senator CAREY. Of course they could not give us credit by believing anything but that we were doing it for political purposes.

Mr. FABIAN. That is the idea I got. I do not want to be quoting these gentlemen on some matter that concerns them, but that is the idea I have; yes.

Senator CAREY. I have grown up in Wyoming and I have been opposed all of my life to extension of the Federal domain, long before this arose, but that is all right.

Senator CAREY. I would like to say in connection with this Casper-Alcova matter there, I have in my files a letter from Mr. Louis G. Crompton, which I will offer at a later hearing when Mr. Crompton is present. The letter is addressed to Senator Kendrick, and Senator Kendrick sent me a copy. In this letter he threatens that if we did not agree to this park extension that we probably could not get Casper-Alcova. That was the attitude of the Casper people.

Mr. PICKETT. Now, Mr. Fabian, referring to exhibit 22, I will ask you if you recall that telegram?

Mr. FABIAN. Yes.

Mr. PICKETT. You received that from Mr. Albright?

Mr. FABIAN. Yes.

Mr. PICKETT. Referring to exhibit 23, I will ask you if you wrote that letter?

Mr. FABIAN. Yes.

Mr. PICKETT. I would like to offer into the record exhibits 22 and 23, which are part of the Park Service files.

Senator CAREY. What is the subject of those letters, Mr. Pickett?

Mr. PICKETT. About the Casper-Alcova project.

Senator CAREY. I would like to have them read, Mr. Chairman.

Chairman NYE. Let counsel read them.

(Whereupon, Mr. Pickett read exhibits 22 and 23, as follows:)

EXHIBIT No. 22

File no. 610-01, part 15

WASHINGTON, D.C., February 17, 1931.

HAROLD P. FABIAN,

Continental Bank Building, Salt Lake City, Utah:

Congressional friends of parks without referring matter to me contemplate holding up Casper Alcova reclamation project until satisfactory agreement is obtained from Wyoming delegation regarding Teton project. This for your information and comment.

ALBRIGHT.

EXHIBIT No. 23

File no. 610-01, part 22

NATIONAL PARK SERVICE,
OFFICE OF THE DIRECTOR,
Salt Lake City, Utah, April 8, 1932.

Mr. HORACE M. ALBRIGHT,

Director National Park Service,

Department of the Interior, Washington, D.C.

DEAR HORACE: I am returning herewith article from the annual Wyoming edition of the Casper-Tribune Herald on the Casper-Alcova project which I received from Van after Kenneth had sent it to him.

I am much surprised at the progress this project is making, particularly in view of the adverse comments that were made about it by the congressional committee that was there last summer. I spoke of this to Senator Norbeck, who was very outspokenly opposed to it, especially in view of Wyoming's attitude toward the Park Service and the Federal Government's activities in that direction.

Yours very truly,

HAROLD P. FABIAN.

Senator NORBECK. Let me say for the record, being that my name was brought into it, I don't think any irrigation project can be operated profitably, with the Government asking us to leave 20 percent of our good lands idle.

Senator ADAMS. May I ask just what bearing it would have on this investigation, which is to make inquiry as to this particular matter, as to what this Senator and that Senator or somebody else may have done with reference to the Casper-Alcova project?

Mr. PICKETT. The resolution, as I take it, Senator, states that investigation shall be made into the activities of the National Park Service and the Snake River Land Co. and their subsidiary companies, the activities directly or indirectly affecting the settlers in this area, and there was a withdrawal of something like 24,000 acres of public land open to settlement, and I think that was an indirect effect upon the settlement of that territory.

Senator ADAMS. I am merely inquiring, but I have this feeling, that other Members of Congress who are not here should not be brought into the discussion, unless it is decidedly material to it, that is all. I do not want as a Member of this Senate committee to be dragging in hearsay statements of other Members of Congress and

other Senators. If they are material, that is all right, but I think we should at least be careful.

Senator CAREY. You do not think that a director or a head of a Federal bureau has a right to coerce the members of a delegation from a State to put his ideas across by using something else, do you?

Senator ADAMS. Absolutely not. For instance, Congressman Taylor from my State was brought into it, and I do not want Congressman Taylor brought into it unless it is essential to this matter, when he is not here to speak for himself.

Senator CAREY. I have reason to know that he has not gone along on that plan, anyway. What I mean is that Mr. Albright has no right to use Casper-Alcova to force us to do anything.

Senator NORBECK. And nobody is claiming that Mr. Albright has done such a thing, but it is reported that some others did do it.

Senator CAREY. Well, then, how does he find out about it?

Senator NORBECK. How do you find out about things in Washington? It is gossip all over. You read the stuff in the newspapers and you hear it all over. And that is the thing that you bring in here, and they were fighting you at the same time. They are spending a million and a half this year to help out the Yellowstone Park situation, and you know it.

Senator CAREY. Yes; in the park.

Senator NORBECK. The park and its connections. It was done before I left my office. Why not be fair about it?

Chairman NYE. Is the Chair to understand that objection is to be raised to the introduction of these last two communications? Is there objection? If not, they will be entered in the record.

Senator NORBECK. I think this is getting to be no better than a justice of the peace proceeding. These inferences, this innuendo, on the part of the counsel of a committee, I never have seen the like, Mr. Chairman——

Mr. PICKETT. That is about the second time you have referred to that, Senator.

Senator NORBECK. Yes; and it isn't the last time, either. If this continues, I am going to make a report to Congress on it.

Mr. PICKETT. I will be glad to submit to any investigation, Senator.

Senator NORBECK. In other words, we should try to get at the evidence instead of having these inferences, all of this innuendo.

Mr. PICKETT. Mr. Fabian is here, and I will leave it to him if I have been unfair.

Senator NORBECK. It is just for the purpose of proving that Mr. Albright did such and such a thing, when the telegrams do not so indicate.

Mr. PICKETT. If Mr. Fabian seems to think I have been unfair in any manner, I will discontinue this line of questioning.

Senator NORBECK. I don't think you have been unfair to Mr. Fabian, but I think you have been unfair to the committee.

Mr. PICKETT. Very well, if the committee desires me to discontinue——

Senator NORBECK. No; go ahead. We will go ahead. We are going to have a hearing on this matter next November in Washington.

Chairman NYE. I think, Senator Norbeck, that the remarks in connection with the two exhibits sufficiently clarify the situation to permit them to remain.

Senator NORBECK. Thank you.

Chairman NYE. Let's move ahead, Mr. Pickett.

Mr. PICKETT. Mr. Fabian, did you have any knowledge of the activity of the Department of the Interior through the Land Office in regard to the investigation in connection with the homestead entries in this area?

Mr. FABIAN. Yes, sir; some.

Mr. PICKETT. What was done in connection with those entries through the Interior Department?

Mr. FABIAN. That has already been testified to concerning the withdrawal of July 7, 1927, which was not a good withdrawal, and the one that was made in April.

Senator ADAMS. Why do you say that that was not a good withdrawal?

Mr. FABIAN. Not a complete withdrawal.

Chairman NYE. That withdrawal did not accomplish the purposes for which it was intended?

Mr. FABIAN. No, it did not. It did not withdraw all of the lands that were to have been withdrawn. You see the pieces of land here and there [indicating on exhibit] that were not covered by it, so the withdrawal of April 1928, was made to correct that and make the withdrawal complete. If you will pardon me, I want to get a letter here. That matter was discussed with Mr. Miller and Mr. Webb, and it was determined that proper withdrawal should be asked for, a complete withdrawal. On April 6, 1928, Mr. Miller wrote to me in response to a request that I had had from Mr. Webb asking for Mr. Miller's opinion in the matter, as follows:

APRIL 6, 1928.

DEAR MR. FABIAN: In reply to your letter of April 3, I am pleased at this time to recommend an amendment to the July 7, 1927, land withdrawal excluding therefrom all west and south of our project except a few isolated tracts bordering on Snake River west and south from our project, and, after a careful examination of the General Land Office records in Washington, include every unappropriated parcel of land outside the National Forest boundary and within and bordering our proposed purchases. The July 7, 1927, withdrawal was so very incomplete and left so many loopholes for speculation that it is necessary to amend it and just as well now as later. It will create an uproar for a time but I have already contracted for enough to assure the completion of our plan within a few years and the majority within our area see it in the right light, though some are holding for the best price possible, I am forced into a little indifference and tact in dealing with them.

The point was raised there for the first time that I have any record of its being discussed, of the likelihood of speculation coming in between the two withdrawals. During that winter Mr. Miller and I were called East for a conference with Mr. Webb to go over the progress that had been made in the purchasing, and we spent several days together in Mr. Webb's office in New York, at which time we went over every parcel of land appearing on our schedules in detail, and it was then discovered that our schedules did not include even all of the pieces of property that had come into our ownership. There were a number of small omissions. It was also learned, and this information was all gotten from Mr. Miller, who was entirely familiar with the properties, that we did not have the pending entries correctly shown there, and that there were a great many—perhaps not a great many, but there were a few—I think altogether there were about 35 pending entries in the project, and a number of them had been taken

up by entrymen who had abandoned their pending entries and left the country long before, and it was——

Senator ASHURST. I suppose these entries were pending on the books as unrelinquished?

Mr. FABIAN. Yes, they were shown on the record as pending entries, and the entrymen, as I say, had left the country and had gone. Mr. Miller knew them all by name and knew they had gone to parts entirely unknown. It was then determined that these plats and schedules—and I say "plats", because we also had township plats of the property showing the individual ownership in each plat—that these plats and schedules should be checked in Washington and that the General Land Office should be asked to send an inspector out here to determine the status of all pending entries in our project. Mr. Miller had written shortly after, in March of that year, that pending that examination of pending entries, the pending entries should be not purchased.

Now, on that, Mr. Webb went to Washington and had entire charge of that. I did not. I did to this extent—I made one contact in connection with that in Washington myself, because, as I was going home from New York, I stopped at Washington and saw Commissioner Spry, who was then the Commissioner of the General Land Office, and whom I knew personally, and in connection with that visit that I made on him, I told him generally of our project and told him that they would probably be asked to send an inspector out here to inspect these entries. Now, there was no intention whatever—and I am certain, as far as any of us was concerned, that has never been in any way violated—to do anything further than to find out what pending entries here had been abandoned and to have the Department come out and make its own investigation as to whether or not any pending entries or any entries were taken up as a matter of speculation against us. Now, whatever was done there under that investigation when investigators were sent out is entirely a matter of the General Land Office, with which we have had nothing to do and know nothing about.

Mr. PICKETT. Do you know, Mr. Fabian, whether or not there was a request made by anyone connected with your company, or the National Park Service, that all patents be held up and not issued within this area?

Mr. FABIAN. I don't think so.

Mr. PICKETT. You have no knowledge of it, if there were?

Mr. FABIAN. No, sir.

Mr. PICKETT. Do you recall Joe Allen?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Was he sent over here at your request and in the employ of the Snake River Land Co.?

Mr. FABIAN. Joe Allen was sent up here, I think, in the spring or early winter of 1928, at which time we had acquired a number of properties that had to be taken care of, and he was sent up here to relieve Mr. Miller of any duties in connection with those properties, and he was here until last year.

Mr. PICKETT. Did you give him any directions as to helping or furnishing any information to these investigators relative to these entries?

Mr. FABIAN. I think I did as to one. I recollect one. Mr. Spaulding knows more about that than I do, as a matter of fact.

One of the Ferrin pending entries—I think it was Bob Ferrin's, one of Cy Ferrin's sons—he had a pending entry lying there on the hills east of the Elk Range, and I had been over that property there, and I didn't see anything there on it at all, and Mr. Spaulding told me that Mr. Ferrin, who was a client of his—Mr. Spaulding also represents the Snake River Land Co.—had told him that the pending entry was being contested, and, as I recollect it, it was at Mr. Spaulding's request that I had Mr. Allen make the investigation—that is, he didn't make much of an investigation, but I asked him to go and see what was on there, and I think I told him to tell Mr. Spaulding.

Mr. PICKETT. Do you know whether or not he investigated any other entries and furnished information to the investigators?

Mr. FABIAN. Not that I recall.

Mr. PICKETT. In one of your letters you mentioned the activities of Williams. What did you mean there, Mr. Fabian?

Mr. FABIAN. Williams was out there investigating those pending entries. I was under the impression at the time that there were several pending entries that had been taken up as a matter of speculation against us——

Senator ASHURST. Was Mr. Williams an agent of the General Land Office?

Mr. FABIAN. Yes, sir. These people were all, of course, trying to sell us their land. It developed, I think, that I was wrong about nearly all of them. We were purchasing the lands at the prices at which they wanted to sell, and I think in no case were those contested.

Mr. PICKETT. Do you recall, Mr. Fabian, whether or not there were any purchases made of these entries after the patent was issued?

Mr. FABIAN. You mean if there were purchases of land after the patent had been issued?

Mr. PICKETT. On the entries that were pending during the completion of this project?

Mr. FABIAN. I assume there were. I do not have any particular one in mind, but I assume there must have been.

Mr. PICKETT. In most of them you bought the relinquishment and they went back to the Government, on those pending entries?

Mr. FABIAN. There were a number of these pending entries that we did that with, yes—that is, we paid the entryman for his property and for his improvements. Of course, we could not take the title ourselves, but the title reverted to the Government, which was what we wanted to accomplish.

Senator ASHURST. And then that again became public land?

Mr. FABIAN. It again became public land and was protected by the withdrawal.

Mr. PICKETT. Mr. Fabian, do you know the number of acres on which relinquishments were purchased?

Mr. FABIAN. I can give you that. Isn't that in this pamphlet? We have paid \$83,637.05 for the relinquishment to the United States of 2,087.86 acres of land.

Mr. PICKETT. I do not believe I have any further questions at this time.

Chairman NYE. Do members of the committee have further questions to propound to Mr. Fabian?

Senator CAREY. I would like to ask Mr. Fabian—I don't know whether he can furnish the information or not—was it intended to buy this Ferrin homestead at one time?

Mr. FABIAN. Yes; we were going to buy it. Mr. Miller was going to buy it for \$15 an acre, I believe. In testifying to that, I am testifying to what the people told me—I mean that is what someone else told me, because I wasn't buying it—but Mr. Ferrin, whom I know well, and whom I think a great deal of, came to see me about his son's pending entry—

Senator CAREY. I am referring to the son's entry.

Mr. FABIAN. Yes. And he asked me if we wouldn't buy it at a lesser price while it was being contested, and I told him I didn't see how we could, but it was a matter that was undecided, but I believe I authorized Mr. Winger to buy it for seven and a half an acre, or some such figure as that, I am not sure.

Senator CAREY. Wasn't a telegram sent by Mr. Webb to somebody—there was a copy of it, but I don't recall who it was to—instructing him not to buy that homestead?

Mr. FABIAN. If there was, I do not know of it. I will have to look that up and see about it for you. I don't remember that. I will look it up if you want me to.

Senator CAREY. I remember the copy of the telegram, but I am uncertain as to the rest of it, as to the reason they didn't want to buy it. That is all, I think.

Senator ASHURST. Regarding this contest that was pending against the entry of the younger Mr. Ferrin, was that a contest brought by another individual or brought by the Government?

Mr. FABIAN. Brought by the General Land Office.

Chairman NYE. Any other questions?

Senator NORBECK. What did you find in these privately owned lands that have been patented many years before—most of them clear of encumbrances and taxes paid on them?

Senator ADAMS. You might look on page 80 of this pamphlet; subdivision 8 of the list of the general principles that were set out as the basis upon which this transfer was made is the statement that the United States Government is to provide for the reimbursement of the county for the loss of taxes due to taxable property being removed from the tax roll.

Senator NORBECK. That is not what I have reference to. I am trying to determine whether they were profitable farms at the time of the purchase. However, that is a very important point that you are calling attention to.

Senator ADAMS. My inquiry is whether there is to be any limit to that, or is that an indefinite, continuing obligation on the part of the United States Government?

Senator NORBECK. In a preceding letter, somewhere in this pamphlet, there was a provision providing for a 10-year period, divided up into two 5-year periods—I don't remember the details of it now—but that is not an unlimited guarantee from the Federal Government to reimburse the county, is it?

Mr. FABIAN. I have two questions before me now.

Chairman NYE. I will permit Mr. Fabian to answer Senator Norbeck.

Senator NORBECK. I beg your pardon. I did not intend that as a question to the witness, but was speaking to Senator Adams.

Chairman NYE. Very well. You may answer Senator Adams' interrogation, then.

Mr. FABIAN. The matter of taxes is an argument that has been used a great deal in the extensive propaganda that has been published against this project here. It was first raised to me by Mr. Spaulding 2 or 3 years ago, who is familiar with this country and has been here and had contact with it a great deal earlier than my own, and a great deal more information concerning it and a more intimate contact than my own. He called my attention to the history of the creation of Teton County. Teton County is practically isolated from contact with the rest of Wyoming during the winter—that is, it has been, until just recently, when they have kept the road open that gave them contact with the rest of Wyoming. Up to that time they have had to travel a long, round-about way in the winter time to reach their county seat at the time when this area in here was not a separate county, but was a part of a county which was over on the other side of the mountains here, and the county seat was over the mountains to the east.

Teton County was created to give to the people of this comparatively isolated place a county government of their own, where they had their county seat here all the time, and in order to create a county of their own out of this territory up here, they barely had enough population to comply with the law and barely enough taxable values, so that any substantial withdrawal of lands from the tax rolls of Teton County would, I believe, almost put the county out of business. That is a matter of figures to be investigated, but that is my belief, and I was convinced of that 2 or 3 years ago. I think that and the cattle drift are the two points which are involved here which require some attention and on which Teton County and its people require protection when and if this property is turned to the Government. Of course, the turning over of all of this land to the Government would mean that Teton County would lose them as a matter of taxes. At the present time, we are paying the taxes on that land, and we pay them in cash every year, but I think it will be a condition of the tender of these lands to the Government that some provision shall be made which will be reasonably satisfactory to Teton County and that will insure the continuance of its schools and its existence as a county. The amount of those taxes, of course, is simply a matter of taking the figures from the tax rolls. The duration of it, however, is a matter that I would not undertake to solve myself. That is a matter that will have to be figured out so that Teton County will be treated justly.

Senator ADAMS. I was just trying to get an interpretation of that letter, as to whether that was terminable or interminable.

Senator ASHURST. If the people of this county expect the Federal Government to reimburse them in the way of taxes on that land, they will be sadly disappointed. The Federal Government will not assume the responsibility of paying taxes to any county or to any State for the loss of lands from the tax rolls. For example, in Arizona, only about 43 percent of Arizona was eligible to settlement by the people, and in one county there is less than 11 percent of the land eligible for settlement by the people. Quite recently an arrangement was attempted to be made whereby more land would be withdrawn from an Indian reservation, and we tried to get some sort of an arrangement with the Federal Government whereby the Federal Government would assume and pay part of the tax burden by paying the taxes on

these withdrawn lands. We found out that it would be fantastic to think of the Government paying any part of those taxes. Therefore, the people here should not get any such idea as that, for I do not believe the Federal Government will agree to any such thing.

Senator NORBECK. Didn't the "new deal" include something like that? There are a lot of new things coming on now.

Chairman NYE. I will agree with you quite completely, Senator Ashurst, but is it not possible that the Federal Government or the Congress might conclude that in the period of adjustment which would be necessitated by the fulfillment of this entire project that there would be a willingness to make a contribution that would aid during the next 5 or 10 years?

Senator ASHURST. That is possible, of course.

Chairman NYE. You think that would be possible?

Senator ASHURST. I think it is possible to make a proposition whereby the Congress would appropriate sufficient money for a few years, but we Senators who make these agreements, unhappily, are not always returned to office.

Chairman NYE. Yes, sometimes there are elections.

Senator NORBECK. But isn't this a different case? Someone here is going to give the Government about \$2,000,000 worth of land for park purposes, and it would seem only fair to ask the Government to pay some of these taxes if the Government is going to be given \$2,000,000 worth of land. Wouldn't that make this a different case?

Senator ASHURST. The very acute intellect of Senator Adams and others seems to have drawn the question out. I want the people here to know that they cannot depend upon Congress to reimburse their county treasury for lands taken off of the tax rolls.

Senator NORBECK. With great respect for the chairman of that mighty committee, the Judiciary Committee of the Senate, I beg to differ. I have a somewhat different view. I think that in presenting these lands to the Government, we might ask the Government to reimburse Teton County to some extent.

Senator ASHURST. Yes, and I would vote for it. However, I must say that I think that the people here will be disappointed if they think that Congress will vote to appropriate money to pay the taxes on these lands that have been lost to their assessment rolls in this county or in any other county in the United States.

Chairman NYE. Is it not fair in that connection to conclude as well that the creation of a larger national-park area in any community would indirectly occasion additional investments removed from the park which would add to the tax rolls of that community or county?

Senator ASHURST. That would have to be considered.

Chairman NYE. Mr. Fabian, do you have anything further to add to the answer to Senator Adams' question?

Mr. FABIAN. I do not think I can add anything to that. In my judgment, this is a very peculiar case, of Teton County, and because it is a very peculiar case that problem should be recognized and solved for them. I have discussed it with a number of people, and the objection has been made that was made by Senator Ashurst. How it will work out, of course, I cannot say, but I know that it is the present point of view of the Snake River Land Co., that if these lands are given to the Government these two matters of the cattle drift and the taxes will have to be taken care of in some way, if it can be worked out.

Senator ADAMS. Might I direct your attention to the preceding page in this pamphlet, to paragraph 2, on page 79, in which you say that one of the conditions is that the United States Government shall match the cost of the lands donated up to an amount necessary to purchase all other privately owned land in such area as it may be deemed advisable to include within the jurisdiction of the National Park Service. What construction do you put on that limitation?

Mr. FABIAN. That is a matter that will have to be left open for determination when this project is ultimately agreed upon. As I say, right today, it has not been eventually agreed upon.

Chairman NYE. That is not a formal draft of the agreement whereby the Snake River Land Co. would surrender the lands in this project to the United States Government?

Mr. FABIAN. No, sir; it is not. I think ultimately there will be some changes. If you will read the sentence before that, "It has seemed that this purpose can best be accomplished under the guidance of the following general principles." Those are the points that we feel are essential to be discussed and considered, as we say, in arriving at any definite final action.

Senator ADAMS. There are two things that occur to me, there are two financial obligations going to be imposed on the Federal Government as a condition to receiving the gift of these lands, so, if this is going to be a gift horse, they might take a second look at it.

Mr. FABIAN. I suppose they will. Of course, I can give you the specific thought in my mind under this paragraph 2 about the Government matching the cost of the lands donated up to an amount necessary to purchase other lands. The game project on the east side of the valley is contemplating, as I think you gather, the present Biological Survey range down to Jackson, and the Winter Bill lands, and the Mormon Row lands, and all open lands above that, that is, that takes the whole east side of the valley, and that is all concerned with the game problem. Now, as I understand it—I do not know the statute myself, but I understand that there is a statute in force authorizing certain expenditures of funds for the acquisition of privately owned land within National park areas, provided that Government funds are matched dollar for dollar with private gifts. That is the legislation that we had in mind in the preparation of this paragraph 2 of which we are talking. Now, in 1931, when we discussed this with Senator Carey, the Park Service then had over a million dollars appropriated under that statute for the acquisition of the privately owned lands within the general limits of a park—

Senator ADAMS. Yes, and we have had some rather unsatisfactory examples of the use of that money in Colorado which some of us have not entirely approved of.

Mr. FABIAN. Is that so? If, at that time, this area to include the Biological Survey and the Winter Bill lands had been put within the external limits of a park, that money was then available, with the credit of the money that Mr. Rockefeller has spent, to have completed the purchase of that entire area. Now, whether or not the Mormon Row lands or the Winter Bill lands or any part of them will ultimately be created to be included is a matter still left for determination, but, if it is, then it will be expected that the Government will make that additional purchase, matching dollar for dollar the amount of money which Mr. Rockefeller has spent to make that purchase. That is the idea. What they will do is quite undetermined.

Senator ADAMS. Well, we almost bought a hotel unintentionally in a park area there.

Senator NORBECK. A considerable part of these lands were owned in small areas when you came in here and began to buy?

Mr. FABIAN. Yes.

Senator NORBECK. And were occupied by the owners?

Mr. FABIAN. Yes.

Senator NORBECK. What were they used for?

Mr. FABIAN. Most of the properties that we bought, all of those along the east side were either ranches actually in use or practically abandoned. There were some of them practically abandoned, but most of them were operated as ranches.

Senator NORBECK. And producing what? Was there much farming?

Mr. FABIAN. Not very much farming. There is some in the Mormon Row, raising grain, and so forth.

Senator NORBECK. Mormon Row was not purchased, so it is not in the picture, is it?

Mr. FABIAN. No. The others were raising some hay, and there were some cattle ranches.

Senator NORBECK. There were a number of people that had some bunches of cattle?

Mr. FABIAN. Yes, and some just used them as a place to live, and I don't know what they did.

Senator NORBECK. I am trying to find out what the agricultural situation was here, what the lands were producing before they were sold.

Mr. FABIAN. The agricultural situation in the part of the valley that we are interested in, as I have been told, was not successful, although in the southern part of the valley it was.

Senator NORBECK. Was a large part of that land patented a long time before you bought it?

Mr. FABIAN. Yes, sir.

Senator NORBECK. Were they encumbered?

Mr. FABIAN. Yes, sir.

Senator NORBECK. Were the most of them encumbered?

Mr. FABIAN. I can give you that. This figure is taken from the abstracts of titles that we examined. The mortgages shown in the abstracts were \$326,465.41. Of the ranch properties there were 102 parcels bought—that means pieces from separate owners—for \$1,021,047.64. Of these 102 parcels, 70 of them had mortgages, totaling \$326,465.41.

Senator NORBECK. That is quite different. The testimony this morning was that there was 10 percent of them had mortgages, I think, and this gives 70 percent. Did you take this from the record?

Mr. FABIAN. Yes. That testimony this morning, I think, was 95 percent—

Senator NORBECK. That must have been misunderstood?

Mr. FABIAN. Yes; it must have been.

Senator CAREY. I think that was Mr. Miller's testimony as to the land that he purchased.

Senator NORBECK. Was there a considerable number of tax delinquencies?

Mr. FABIAN. Yes; there were a number of delinquent taxes, and we had to clear up tax sales out of the purchase price.

Senator NORBECK. That is just another way of assuming that if they had remained in private ownership there would have been a good deal of tax delinquencies?

Mr. FABIAN. Yes; I think that was the fact at the time we purchased them.

Senator NORBECK. In other words, the lands would have—like is happening in some good agricultural counties, the ownership of the land is passing to the county on tax titles?

Mr. FABIAN. Yes.

Senator NORBECK. And that is the agricultural situation even in good countries?

Senator ADAMS. You mean in the Dakotas?

Senator NORBECK. Oh, yes. In one county there are 200 tracts that have gone to the county. And you will find the same thing in Colorado, too, Senator Adams.

Mr. FABIAN. There was one large tract that we bought which had been abandoned for some little time, and we paid \$48,000 for it, and that \$48,000 was not enough to pay the mortgages in full——

Chairman NYE. I do not think the committee will be interested in the details, but I think they are interested in getting the general picture, whether this was profitable before it was purchased, and what the production was of the land being bought, and so forth.

Senator NORBECK. Have you ever figured out what percentage of the county you have acquired?

Mr. FABIAN. No; I have not. I don't know what it is.

Senator NORBECK. Is it 1 percent or 5 percent?

Mr. FABIAN. I would say it is a good deal more than that.

Senator NORBECK. Is it? What is the size of the county?

Mr. FABIAN. I don't know. I could only tell you by looking at the map.

Senator NORBECK. What is the size of this county? Is there someone here who knows?

Chairman NYE. I am going to direct a question to Mr. Nielson, when he does appear before the committee, to be prepared to give us in detail those figures as are concerned in the county records.

Mr. NIELSON. Mr. Chairman, I will be very glad to do the best I can on that.

Chairman NYE. The committee will appreciate it, Mr. Nielson.

Senator CAREY. I have the figures from the State board of equalization.

Chairman NYE. As to all classes of property?

Senator CAREY. Yes.

Mr. FABIAN. I think, for the purpose of making the record complete on this, so that my figures will total correctly, I should add that on the east side of the valley there were 18 pieces of property bought for \$269,823.40, and of those, 5 had mortgages.

Senator NORBECK. Had those been patented for a considerable period of time?

Mr. FABIAN. Most of those on the east side, as I remember, were acquired more recently.

Senator NORBECK. They hadn't had time to mortgage them?

Mr. FABIAN. Apparently not.

Senator CAREY. How does the percentage of mortgages on dude ranches compare with the percentage of mortgages on cattle ranches, have you any idea?

Mr. FABIAN. I cannot give you that percentage. I think that you will find that the cattle ranches up in this end of the valley where we bought were practically all mortgages. My judgment is that they were in a difficult situation. In fact, I have been told that these people up here all circulated petitions wanting to be bought out, and I know that most of them did want to be bought out and considered that our purchasing of them was a fine thing for them.

Senator NORBECK. And I think so, too.

Chairman NYE. Isn't it true that stockmen, owners of property, south of the area in which you bought, even south of the town of Jackson itself, have petitioned you to make purchases of land in there?

Mr. FABIAN. Yes, sir.

Chairman NYE. And they have been really anxious to sell?

Mr. FABIAN. Yes, sir. I think our difficulty has been very largely from people who wanted to sell and wanted to get their acreage included in the project.

Senator NORBECK. It wasn't necessary for you to burn the farms of these settlers and then buy from them, as the newspapers indicated?

Mr. FABIAN. We have never done that, nor have we closed any school. On the contrary, there are two schools within our area, both of which we have assisted in keeping open. One place up there was the Ferrin ranch, and the school that was operated there burned—not at our hands, but accidentally——

Senator NORBECK. But you got the blame for it?

Mr. FABIAN. We are getting it now, apparently. I think that was 3 years ago, and when the school trustees asked if we could not let them have a building, we provided them with a good building, without any rent, for their school for 3 or 4 years. This past year they did not hold their school there because they moved it down to the residence of the school teacher. We have not burned anybody's property except the buildings and fences on land that we were clearing off and which we could not do anything else with.

Senator NORBECK. They were not salable?

Mr. FABIAN. We sold what we could, but we got very little for it, and what we couldn't sell we gave away, and what we couldn't give away we burned or destroyed other ways. We did not burn all of it.

Senator NORBECK. You may not want to answer this, but I want to get the sentiment of the county toward this extension. Mr. Miller believes that the area should not go to the park service, but he believes that it should go into public ownership. Now, what percentage of the people of this county would be opposed to its going into public ownership?

Mr. FABIAN. Going into public ownership?

Senator NORBECK. Yes; going into public ownership, for public purposes.

Mr. FABIAN. I doubt if there would be a great many. I think that the overwhelming sentiment of the people that I have talked to would favor that.

Senator NORBECK. Has that question been debated a good deal here?

Mr. FABIAN. Yes, sir; it has been the subject of three or four elections.

Senator NORBECK. And in the elections, when it came to the question of this going into public ownership, the proponents of this going into public ownership have carried the county?

Mr. FABIAN. Very decidedly.

Senator NORBECK. In other words, this county evidently doesn't want to be rescued by this committee; is that it?

Mr. FABIAN. I would rather let them speak for themselves.

Senator NORBECK. I just wanted to know. Mr. Rockefeller is having some trouble in giving away a couple of million dollars, it seems to me.

Chairman NYE. I have here a memorandum that was prepared on June 22, 1933, by Mr. H. A. Tolson, attorney for the National Park Service, which, as I pointed out to Senator Adams, I have not had the opportunity to refer to the members of this committee, in which memorandum is prepared for Mr. Cammerer, who is now the Director of the Park Service, in which he summarizes the various Executive orders of withdrawal, together with a very brief statement concerning the reason underlying that withdrawal. I wonder if this is not a matter that ought to be a part of the record for further information or further reference, if we should want to refer to it. Is there any objection to this being so entered? If not, it will be entered in the record.

(Whereupon, the document marked for identification as exhibit 24 was made a part of the record.)

EXHIBIT No. 24

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, June 22, 1933.

Memorandum for Mr. Cammerer.

Executive order of July 8, 1918, temporarily withdrew from settlement the public land described therein under authority of the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), which act authorizes the President of the United States to make withdrawals of public lands in certain cases (water-power sites, irrigation, classification of lands, or other public purposes to be specified in the withdrawal orders, but continuing mining rights and oil and gas rights, if claimants are diligent in prosecuting work leading to oil and gas discoveries; and excepting lawful homestead or desert-land entries and valid settlements perfected pursuant to law).

This withdrawal was made "in aid of pending legislation embodied in bill H.R. 11661, Sixty-fifth Congress." The bill referred to is the first bill introduced by Mr. Mondell, of Wyoming, on April 24, 1918, to add certain lands to Yellowstone National Park.

Executive order of January 28, 1921, temporarily withdrew from settlement the public lands described therein under the authority of the acts of June 25, 1910, and August 24, 1912, *supra*, "for the purpose of classifying said lands and pending enactment of appropriate legislation for their proper disposition."

This withdrawal was made upon Secretary Payne's recommendation of January 27, 1921, to the President that the area described therein is "part of the area proposed to be added to and made a part of the Yellowstone National Park legislation to this effect, having been introduced into the Sixty-fifth Congress and now pending in the Sixty-sixth Congress", and that "this withdrawal is proposed in order to prevent further appropriations therein."

Executive order of April 15, 1927, temporarily withdrew the public lands described therein from settlement, subject to conditions of the Acts of June 25, 1910, and August 24, 1912, *supra*, "for classification and pending determination as to the advisability of reserving the lands for elk refuge purposes."

Executive order of July 7, 1927, temporarily withdrew the public lands described therein from settlement, subject to conditions of the acts of June 25, 1910, and August 24, 1912, *supra*, "in aid of proposed legislation."

This withdrawal was made, apparently, upon recommendation of the Secretary of the Interior to the President after the former had been advised of Mr. Rockefeller's plan by Mr. Kenneth Chorley, who explained the plan verbally to the Secretary.

Executive order of April 16, 1928, temporarily withdrew from settlement the public lands described therein, "subject to prior valid claims and the conditions and limitations of" the acts of June 25, 1910, and August 24, 1912, *supra*, "it appearing that the withdrawal in aid of proposed legislation made by Executive order of July 7, 1927, should be modified by adding certain lands and by releasing certain lands."

Executive order of February 4, 1929, temporarily withdrew the public lands described therein, "subject to prior claims legally initiated and maintained and to the conditions and limitations of" the acts of June 25, 1910, and August 24, 1912, *supra*, "it appearing that the withdrawals of April 15, 1927, July 7, 1927, and April 16, 1928, failed to include certain lands in the townships" described therein "desired for elk refuge purposes."

Executive order of March 8, 1930, revoked Executive orders of July 8, 1918, and January 23, 1921, as to the tract of land in the Targhee National Forest described therein.

This revocation was made in accordance with Director Albright's letter of December 12, 1929, to the Commissioner of the General Land Office stating that, with the establishment of the Grand Teton National Park, the National Park Service was not interested in the retention of the lands west of the Teton Divide under withdrawal.

Executive order of September 2, 1930, temporarily withdrew a very small tract of public land, described therein "for classification and in aid of legislation, subject to the conditions of the" acts of June 25, 1910, and August 24, 1912, "and to valid existing claims."

Executive order of November 13, 1930, temporarily withdrew "for classification and in aid of pending legislation, subject to the conditions of the" acts of June 25, 1910, and August 24, 1912, *supra*, "and to valid existing claims initiated and maintained pursuant to law" a small tract of public land "not included within a national forest and not otherwise withdrawn."

NOTE.—All of the foregoing Executive orders are now in effect except the portions of the orders of July 8, 1918, and January 2, 1921, revoked by the Executive order of March 8, 1930.

H. A. TOLSON, *Attorney.*

Mr. FABIAN. Mr. Chairman, may I say one word further?

Chairman NYE. Yes; certainly, Mr. Fabian.

Mr. FABIAN. Mr. Miller said this morning—or, at least I understood him so to say—that during the time he was purchasing there was no rise in values, although he had expected there would be. I think he must have been in error about that. The values rose very substantially and very rapidly, and the letters from Mr. Miller so indicate. I hesitate to take the time to go into that, but I will leave it to the discretion of the committee.

Senator NORBECK. The committee can take that under advisement as to whether or not those letters should be put into the record. However, every person that is familiar with such business knows that when you begin to buy land that the market rises.

Chairman NYE. Yes; if it is found at all desirable. We can have access to those letters, I presume.

Senator CAREY. His statements to Mr. Fabian were that they did rise.

Senator ASHURST. Considering the current year, what amount of money will your company, or the Snake River Land Co., pay to this county?

Senator ADAMS. The figures in here show about \$12,000.

Senator ASHURST. In cash?

Senator ADAMS. Yes; if you will look on page 79, you will find that for 1932 the taxes collected on these properties will amount to \$12,969.75.

Mr. FABIAN. Yes; but since this was written the taxes that have actually been paid was a little in excess of that, but not very much.

Senator ASHURST. Nearly \$13,000?

Mr. FABIAN. Yes, a little more than \$13,000.

Senator ASHURST. That is, on the various tracts of that land that your company got through Mr. Miller's and others' purchases?

Mr. FABIAN. Yes, sir.

Senator ASHURST. Until you get rid of that land by sale or conveyance to the Government, you will continue to pay the taxes, I suppose?

Mr. FABIAN. Yes, sir.

Chairman NYE. Are there any further questions by the members of the committee? If not, then that will be all, Mr. Fabian. I thank you.

(Whereupon the witness was excused.)

Chairman NYE. Mr. Pickett, so that the committee may be better able to measure what it still has before it, will you indicate to the committee at this time the witnesses whom you intend to call?

Mr. PICKETT. Yes. The witnesses tomorrow will include Mr. Winger; Mr. McCain, of the Forest Service; Mr. Rutledge, of the Forest Service; and, following that, about 10 or 12 people who had holdings within the area here and who either sold or did not sell.

Chairman NYE. The first witness you named was Mr. Winger. How long do you imagine his testimony is going to require?

Mr. PICKETT. From past experience, Mr. Chairman, I wouldn't want to hazard a guess, but we should get through in about three quarters of an hour.

Chairman NYE. And the other witnesses?

Mr. PICKETT. Mr. McCain will take perhaps an hour. He has prepared a report on the economic conditions in this country, in this particular area, and his testimony will be confined mostly to that.

Chairman NYE. A member of the committee has suggested the possibility of a session tonight. What is the pleasure of the committee with respect to that?

Senator ASHURST. I do not want to hurry anybody, and I hope counsel will take all of the time that he thinks necessary, but we might work a couple of hours tonight. We might begin at 8 o'clock or 8:30, and work a couple of hours after dinner, if the other Senators feel that way.

Senator NORBECK. I am raring to go. I am perfectly willing that the committee put in a couple of hours tonight. I will try to be with you. I think that I can be.

Chairman NYE. If it is the slightest inconvenience——

Senator NORBECK. No, not at all. I appreciate your kindness in the matter. If I get tired, I will leave before you get through; that is all.

Chairman NYE. Then, I take it that you mean that you think there is a need for us to put in as much time as we can?

Senator NORBECK. Yes. I want to say I think this is a very unfair thing to do. Here is a Congressman who is absent, and a letter of his is put into the record here, when he has no chance to defend himself and he has no chance to answer. It is a reflection on him. Counsel should owe them the courtesy of showing them to the chairman of the committee——

Mr. PICKETT. I think, if you are referring to that letter, there is no mention of any Congressman except yourself, and you are here.

Chairman NYE. Very well. The committee will stand in recess until 8 o'clock this evening.

(Whereupon, at the hour of 5:25 p.m., the committee stood in recess until the hour of 8 p.m.).

(Pursuant to adjournment, the hearing reconvened at the hour of 8 p.m., Aug. 8, 1933, all members of the committee and counsel being present, whereupon the following proceedings were had.)

Chairman NYE. The committee will come to order. Before proceeding with the next witness, Senator Carey has a statement he desires to make for the record.

Senator CAREY. Mr. Chairman, a short time ago when I was in Denver I was interviewed by Miss Frances Wayne, of the Denver Post. This interview was as most interviews. Miss Wayne asked me a great many questions and made a few notes. Afterwards this interview was published. I do not recall a great deal that was in the interview except one statement which was made and which has been attributed to me, namely to the effect that the Snake River Land Co. or its agents in some instances had burned ranches and fences of people who were unwilling to sell their places. I never made such a statement in talking to Miss Wayne, but I explained to her that in many instances, after lands had been purchased, that the improvements, including the buildings and fences, had been destroyed, and I objected to this for the reason that I felt that it was a destruction of taxable property in this community. While I think my position in this matter is well understood, I have endeavored in any statements, which I have made to make statements which I believe were based on facts, and I could not make any such statement as that for the reason that I do not know or have never heard that any such thing occurred, and I do not think it has ever occurred. In justice to the gentlemen who are associated with the Snake River Land Co., I feel that it is right at this time for me to make this statement. The reason that I am making it is that I notice another article in regard to this matter, in which this question is again referred to and again to a certain extent quoted, and I want to correct the record that I never made any such statements.

TESTIMONY OF RICHARD WINGER

Mr. PICKETT. Will you state your full name?

Mr. WINGER. Richard Winger.

Mr. PICKETT. You reside here in Teton County, Mr. Winger?

Mr. WINGER. In the town of Jackson.

Mr. PICKETT. How long have you lived in this community?

Mr. WINGER. A little over 20 years.

Mr. PICKETT. What has been your business during that time?

Mr. WINGER. I have been in so many businesses, I don't know whether I can keep track of all of them or not. I came in here as a homesteader, and I lasted 3 months, and I then went into the newspaper business. I was in that for 6 years, and then went into the real-estate business, and I have continued more or less in the real-estate business throughout all of those years, although I have had other interests during that time, such as building some roads for the Federal Government, and so on.

Mr. PICKETT. Your principal business has been the real-estate business all of that time?

Mr. WINGER. I would say since 1919 that is probably true.

Mr. PICKETT. Do you recall yesterday, Mr. Winger, some testimony in regard to a meeting at Menor's Ferry in Miss Noble's cabin?

Mr. WINGER. Yes; I do.

Mr. PICKETT. Will you give your version of what transpired there and the reason for that meeting?

Mr. WINGER. I will be very glad to. If you will permit me to go back—you have asked me for the reason for the meeting——

Mr. PICKETT. You may state it in any way you please.

Mr. WINGER. Thank you. While I was engaged in the newspaper business in Jackson—I think it was about the year 1917, or '16, but I think it was '17—the question of the extension of the Yellowstone National Park was brought to the front. My first recollection of anything along that line was an article that appeared in the Saturday Evening Post written by the late Emerson Hough in which he advocated a very substantial extension, as I recall, practically all of the upper end of Jackson Hole. Now, the reasons which were given then in his article and later by the Park Service for this extension were directly opposed to my ideas, and, I think, practically all of the people in Jackson Hole. I was very much opposed to the Yellowstone Park extension.

Mr. PICKETT. What year was that?

Mr. WINGER. That was—that first bill was introduced for extension, I think, about 1918.

Senator NORBECK. Was that Congressman Mondell's bill?

Mr. WINGER. Yes, sir. There were three Mondell bills introduced, as I recall, between 1918 and 1922, I believe.

Mr. WINGER (continuing). One of the reasons that they favored the extension of Yellowstone Park at that time was for opening up the country, the building of a new loop road, the building of a road up Pacific Creek and down Atlantic Creek, and opening it up to the tourist. That did not meet with my views. There were other reasons why I was opposed to it at that time. We felt that this country had a great future as a stock country and an agricultural country, and I thought that at some time in the future the range lying north of the Buffalo River would be required for the livestock in Jackson Hole. Now, there was a good deal written about the extension in the beginning along the line of opening this up, which would change the whole character of the country and take away our range, and I think the ideas of the Park Service probably during the years 1918 and '19, and possibly 1920, were along those lines. I think about that time that the ideas of the Park Service began to change. However, in the year 1919 the bitterest fight was waged here against park extension. At that time a group of cattlemen—I recall Mr. Peter C. Hansen, James Tracy, C. J. Petterson, O. H. Stein, I believe, and others—came to see me with a request that I go to work for them and handle their propaganda against park extension. I explained that I did not feel able to do that and continue to run the Courier, and they said, "Get rid of the Courier."

Senator ASHURST. The Courier is the Jackson Hole paper?

Mr. WINGER. Yes; the paper that I was then the owner and publisher of.

I was more or less inclined to want to get rid of the paper at that time, anyway, and I had an opportunity pending then whereby I could make the deal, and I agreed to do that. I sold my paper, trading for a ranch and giving some cash to boot, and entered the employ of these stockmen. They raised approximately, as I recall, the sum of \$700—I think it was something less than that, but I am not sure, but I know that each one of these men contributed, although I have just forgotten all of the names of the local men who contributed to that fund for my employment, and each received a receipt for the money he had given, and I suppose some place in my files I have carbon copies of the receipts. Anyway, I went to work for them, and I gathered together a lot of material which we used in our fights against park extension. As you will remember, Mr. Burt testified yesterday that I came to see him, and I persuaded him to write a letter, which has since been published frequently, in direct opposition to park extension. I went to see others. I did whatever I could to further the cause against park extension. That was the proposed extension of Yellowstone Park. In the fall of that year I had gathered together quite a mass of material more or less valuable, but I didn't know whether it was any good or not, so far as that is concerned, but, anyway, it was the idea of these stockmen that we should incorporate the essential part of that material into a pamphlet which could be readily mailed when anybody made inquiry in regard to this.

There were no facilities here for printing a pamphlet of that kind, I knew, because I had just been in this plant, and my wife and I were planning a visit to our old home in Iowa, and I suggested that possibly it would be possible for me to have this pamphlet printed there at less expense, and so forth. I went back there—this was in 1919—and the country was in the throes of coal strike, which will probably refresh some of your minds. Anyway, we couldn't buy coal, and we couldn't buy any fuel, and I spent most of my time sawing wood with a bucksaw to keep furnace going. There was no chance to get the pamphlet printed. Later, I wrote to Mr. Miller and explained the situation to him in regard to that, and he wrote back and said that he had taken it up with Mr. Tracy and others and said that they felt that the fault was not mine. I returned to Jackson the first of the year. I want to call your attention to the condition of the country at that time—1917 and 1918, probably 1917, you might say, was the peak—the cattle business was at its peak. Cattle prices were higher then than they have ever been since, to my knowledge. We all had visions of a great cow country here and making a lot of money out of the cow business. However, we had a very serious drouth during 1919 and very little hay was raised in the valley, and at the same time, that fall, cattle prices began to topple and they went down quite rapidly. The local cowmen decided that they would hold their cattle until cattle prices were better. They expected them to come right back. They held their cattle, although they had no hay on their hands and no hay in the valley. Some of them were forced to pay as high as \$40 to \$50 a ton for hay that winter to winter their cattle. When the weather broke, the cattlemen were practically broke with it, and there was hardly a cattleman in the valley whose cattle were worth the price of the feed that had been fed to them during the winter. It was impossible for them to go further with my

employment or the printing of a pamphlet or anything of that kind, but I continued the work for some time after that by writing some of their correspondence for them. That ended my connection with the cattlemen.

Now, to get the picture as it existed then, there are a great many things that entered into this scheme here. While we were opposing this extension of the Yellowstone, we were meeting with a lot of worries in other parts of the valley—irrigation schemes for damming up our lakes, plans for building summer homes around our lakes, and such things as that, which we thought would be a great detriment to our country. The recreation business was coming into its own. We were just beginning to realize to what extent recreation was to figure in the future of Jackson Hole. We had our dude ranches that were building up, employing a good many men. But to dam up the lakes in this country or to permit the lakes to be built up was going to remove, in our minds, one of the chief attractions.

If I may give you some idea at this point of what a dude ranch is, and what the dude ranch business means to us—when the question of what a dude ranch is was brought up here once before, I think you should have a clear picture of what the dude ranch business means to Jackson Hole and to Wyoming. I have some notes, if you do not mind my referring to them, or, rather, figures. In western Wyoming, and in Montana, we have about 120 dude ranch owners—about 120 members of this dude ranch association. Of course, you understand that the dude ranch business has suffered the same as other businesses from this depression, but before the depression we had some 10 or 12 active dude ranches in Jackson Hole. They handle approximately 400 people, and they have as a rule a turn-over twice in the season, because as a rule they do not stay the full season, so that it would amount to around 800 dudes. That was at the peak here. I do not think there is any question but that the dude business means to Jackson Hole more than any other business in here, more than stock raising and ranching combined. I think that 3 or 4 years ago the Jackson State Bank put out some figures showing that the dude business amounted to approximately 50 percent more than the other businesses here in Jackson Hole. Not only was this scenery an attraction to the dude, but also the atmosphere of this country was an attraction to the dude—the cattle business, the ranching business—that also was an attraction, and, of course, we wanted to preserve that.

I was informed in the spring of 1923 by Mr. Burt that he had, during the winter, met with Mr. Albright in Washington and discussed this proposition with him, and that he found that Mr. Albright's ideas were a good deal along the ideas that Mr. Burt entertained for the development of the country. In other words, Mr. Albright's idea for including all of that area, including the Tetons and the country north of the Buffalo River was then not so much to open it up and create new loop roads, and so forth, as it was to prevent that very thing, to sort of preserve it as it was. Mr. Burt was thoroughly sold on that idea and wrote some of his friends here with the idea, I think, of changing their attitude toward the Park Service and their position, skeptical as most everyone was here. I had been so thoroughly trained by propaganda, a great deal of which was false, to dislike the Park Service that it was very difficult for me to

have any faith in Mr. Albright's statement. As I stated before, in 1919, the country went to pieces under this drouth and the high prices for hay. I might say that this Elk Ranch which the Snake River Co. is now operating was then in private ownership, and the owner removed his cattle to Idaho to winter them and that hay was more valuable for the elk and was sold for the elk for \$45 per ton, and was hauled to this Government feeding ground down here at a cost of \$18 per ton, so that for the elk that winter the hay cost the Government \$63 per ton.

Senator CAREY. You are referring to this winter of 1919 as being disastrous to the cattlemen in Jackson Hole. Do you recall the situation of the cattlemen in the rest of the State in that same winter?

Mr. WINGER. I was not familiar with their situation, but I do recall what the newspaper reports were.

Senator CAREY. Well, it is a fact that most of the stockmen had to ship their stock out of Wyoming.

Mr. WINGER. I haven't any idea about that, Senator Carey.

Senator CAREY. That was not strictly a Jackson Hole situation.

Mr. WINGER. No, sir.

Senator CAREY. You have referred to the sale of the hay of the Hatchet Ranch. It was their cattle, wasn't it, that went out, and they sold their hay to the elk?

Mr. WINGER. Yes, sir.

Senator CAREY. Do you recall the time that they brought the cattle back in the spring what happened in the Park Service? Do you remember that the Park Service tried to stop them from driving their cattle across the forest reserve?

Mr. WINGER. No; I don't recall anything about that. I have heard that they did.

Senator CAREY. Well, they did.

Mr. WINGER (continuing). Now, conditions were not good for the cattle business nor the ranch business from then on. In fact, a good many of these people in the north end of the valley, or, in fact, all of the valley, were simply broke. Some of them could not continue. Everybody up in the country was in bad shape along about that time. They owed money. Prospects were not good.

In talking with Mr. Eynon in reference to the correspondence he had had with Mr. Burt, in which he had urged us to change our views toward the park matter, we were both agreed that we did not like the park and we could not share Struthers Burt's views. Mr. Eynon had repeatedly, or at various times, told me a good deal about the early history of the country and some of his early experiences here, and one day, while we were discussing this thing, he went quite at length in telling me of some of his early hunting trips in the valley with H. N. Hanna, a brother of Mark Hanna. Mr. Hanna visited this country with him and he hunted with him, I think, 7 consecutive years. At that early date, Mr. Hanna had seen the necessity of preserving part of this country for the game, and he had urged that if that was not done at that time it would be increasingly difficult to do it because of settlement. That gave me an idea when we were talking, and I said, "I suppose that they could never do that now", and he said, "Well, I don't know," and then we started talking about that, and we talked about whether it were possible or not. We came

back to town that night and went to see Mr. J. R. Jones, a local merchant, and went in and discussed this matter with him. I might say that Mr. Jones from the first had always favored park extension. The more we talked about it the more we were carried away with the idea that it might still be possible. We continued working on that idea until we had devolved a plan which to us seemed like a fine thing, but we wanted to get somebody else's viewpoint on it, and we then took the matter up with Struthers Burt—I do not remember now how, whether it was by correspondence or personally—but he was quite enthusiastic about it, and he said he wished we would talk to Mr. Albright about this, and he arranged a conference in July 1923 at Menor's Ferry with Mr. Albright. I was the spokesman, and I started out in that meeting by saying to Mr. Albright that we had always opposed his park plans and that we could not agree to his park plans, but we had a plan in the making, a suggestion for a plan, which we thought was even greater than his plan and was altogether different from park extension. That plan which we submitted I called then "A national recreation area". The plan was for the inclusion of all of Jackson Hole. Now, that land from the north end of the valley south to the Hoback River and from the crest of the mountains on the west to the crest on the east is what we had in mind. Now, I wonder if I might say here that the explanation of a term that has been given here is misleading both to the committee and to the local people in the way that was brought out, and that is that term of "rim to rim". Will you permit that explanation?

Chairman NYE. Yes, please.

Mr. WINGER. We have a place down on the other side of the Hoback Basin, which is clear out of our country here and out of our county, where we cross over what we call "the rim." That is some 50 miles from Jackson. That is known locally as "the rim", so that when we locally speak of "the rim" we mean that place down there. Now, I think there has never been any idea in anybody's mind that there was to be any inclusion of that country clear down there, but when they spoke of the statement made on Teton Pass, "from rim to rim", there is no question that they meant from the rim of the mountains on the east to the west.

Senator CAREY. That takes in the main valley?

Mr. WINGER. That takes in the main valley, and I would say that that conformed to our idea in 1923, to the Hoback River.

Senator CAREY. Have you seen the letter that was published from Mr. Albright where he stated the ultimate plan was to take in everything to the Hoback Canyon?

Mr. WINGER. Yes, I have. That is what I mean, Senator Carey.

Senator CAREY. You mean to go to the Hoback Canyon?

Mr. WINGER. To the Hoback Canyon, yes; but that is a good many miles from this side of "the rim."

Senator CAREY. Your plan was to take in the main valley?

Mr. WINGER. Yes, sir. This was in 1923, you mean?

Senator CAREY. Yes.

Mr. WINGER. Yes; all of the Jackson Hole.

Senator CAREY. Take the whole thing? What would you do with the town?

Mr. WINGER. I am coming to that, Senator.

Senator ADAMS. The term "Jackson Hole"—does that stop at the Hoback Canyon, in the ordinary use of the term?

Mr. WINGER. That stops at the mouth of the Hoback, yes.

Senator ADAMS. And then goes up north to the hills; how far north?

Mr. WINGER. From the mouth, we will say, or the entrance to the Hoback Canyon, and takes in the rim of the hills. Now, our plan which we submitted was in nowise a park plan, but was a plan which we called then a "national recreation plan", and it was submitted for the purpose of preserving this country as it was, more or less. It included the idea of buying out all of these people who wanted to sell, and most of them did, I think, at that time, in that part of the country, at least in the upper part. We were very anxious that the cow business would remain here as a part of the picture. We were very anxious that we would still have our hunting areas administered by the State, because we considered hunting an essential part of recreation. We were very anxious, instead of building hotels and camps, that those who came here to spend any length of time be accommodated in institutions something like our then present dude ranches, which would more or less conform with the general character of the country. We realized, of course, that the beauties of this country must be made available for every class of people. There is a distinction, I think, between the tourist and the dude, and also another class of people who come through simply on a trip in their car. Of course, we felt that it must be made available to them so that they could enjoy this scenery, and we felt that a good highway through this valley from one end to the other would accord them that privilege, but we were very much opposed to the building of roads going into the canyons and opening up any of this territory more than was required for proper forest administration. It was stipulated in my talk at this meeting that in submitting this plan we did not care by what governmental agency it was administered, but our only object was to see that it was administered along those lines.

There were objections to having it administered, that large a territory as we took in—we took in a great deal more than is contemplated at this time—by the national park, because of the park traditions against hunting, and so forth, but it was stipulated that we did not care by what Government agency it was administered. Another thing that was brought up and discussed, now, this may not have been at the meeting at Menors Ferry, but it may have been later that same day, because we met again that same day in the residence of J. R. Jones, at which meeting all were present except J. L. Eynon. We told Mr. Albright that we were submitting this plan in lieu of his plan, that we could not bring ourselves to a part-extension plan of that kind, but we felt that it was even bigger than his idea, and he agreed with us that it was even bigger, because he had no idea about any such a thing. We discussed how this might be done. We asked that it be done only in this way—to try to interest wealthy people in the East to put up the money to buy out these properties, and that they be bought on the basis of what these people had tried to do here and the years that they had put in, rather than on the basis of the actual value of their property. Of course, when the question of getting that money was discussed, they all thought that it would be difficult but that it might be possible, although all of us thought it would take a long period of time to put a plan of that kind across. We all agreed to that. Mr. Albright brought up this one suggestion or objection to our plan; he said, "If we agree to that,

knowing that it will take 10 years or more to put such a plan as that across, what is to prevent in the meantime commercialization going ahead here to such an extent that it will be impossible to do that, such as the building of the summer homes around the lakes", a plan for which was then on file, we knew, in the Forest Office, I think, for a certain number of homes around Jenny Lake, and we had then several irrigation projects in prospect trying to get Jenny Lake and Leigh Lake, and they were even after Emma Matilda and Two Ocean Lake—there was a continual grabbing for these resources here. That was a vital point, well taken. Mr. Albright said, "If this particular area could be segregated and a park created there to protect this particular territory in the meantime, I would be for your larger plan and I would do all that I could to further it", but he said, "I think that you should withdraw your objection to the creation of a national park in the vicinity of the Tetons and the Jenny Lake country, if I agree to that."

Mr. Albright argued that if we didn't do something with that particular area, in the course of years it would be impossible to put across our larger plan, and we agreed that that was probably true, and we agreed to withdraw our objection to the creation of the park for the protection of that particular section of the country.

Now, this plan was conceived in Jackson Hole. Mr. Albright knew nothing about it, so far as I know, except that he was invited to Menor's Ferry to consult with us, but I told him in my own words as best I could the first idea he ever had of it. The plan was ours, and not his. However, so far as I know, Mr. Albright has been faithful to us and has carried out his word and his promises to us that he made us at that time. Those promises, I believe, I did not bring out very fully. I asked specifically that no attempts be made by him to create any sentiment favoring the inclusion of this larger area in a national park, for the simple reason that as soon as he did it would start an interdepartmental quarrel between himself and the Forest Service, which would wreck the project, at least until we had found out whether it was possible to get the money to do this and whether it was possible to put this thing across, and until then that no attempt should be made to determine who was going to handle it. He agreed to that, and, so far as I know, he has never done anything out of line with his agreement.

After this meeting, I suppose we had several discussions in regard to that, but none of them stand out in my mind at the present time, but they came and wondered if perhaps Mr. Eynon and myself, with our enthusiasm for the project and knowing the country as we did, could be of any value in securing funds to put this project across, and wondered if we would make this trip East if they would raise the money to pay our expenses. We agreed to do that. They raised the money, but I had no part in raising the money that I recollect. I don't think that I raised a penny of it, and I do not believe that Mr. Eynon did. I think Mr. Jones did that—I think he had a part in it.

Another thing that I might mention, at this meeting we all agreed to keep this absolutely secret until we discovered whether it would be possible to do this. Our reason for this was this—in years gone by there had been various projects brought up whereby the Government or somebody was to buy some of these settlers out, and some of them got the idea that they were going to be bought out and they were

hanging on there for years with the hope that they would be bought out, and we didn't want to create any false hopes in the minds of these people who wanted to sell, because we weren't at all sure that our project was feasible or that we would be able to put it across.

Mr. Eynon and I went back last in the winter of 1923-24, and I think we spent approximately 2 months in the East interviewing a great many people, but, with one exception, we interviewed no Government official. It was agreed that we would not do that, for the simple reason that until we found out that this project was feasible or possible we did not want to start any argument between any bureaus as to whether it could be done or how it could be handled or anything of that kind. The one exception was that I called on Doctor Nelson of the Biological Survey at the request of Charles Sheldon of the Elk Commission. Now, we were not successful in our efforts in the East. We were the wrong people to send back there. We did not have the ability to do anything along those lines. However, we did, I think, create considerable sentiment in favor of the whole project, and we got the viewpoints of a lot of people in the East to the effect that they thought it was possible. Now, what efforts were made to interest the wealthy people in the East in the next few years, I am not conversant with; but we did finally reach the conclusion that it was all a dream and that it would never happen, and that no one would put up sufficient money to do this.

In the fall of 1926, or the winter of 1926-27, I was informed by Mr. Albright that he had a man interested in this proposition, and asked me if I would agree to furnish certain data in the way of maps, showing the holdings in the country and the valuations. I spent some considerable time all of that winter in preparing a set of plats and in setting out my idea of the valuations or the prices at which these lands could be purchased. I also went at great length into an explanation as to how I felt they should go about purchasing these lands. On every occasion when I saw Mr. Albright, I tried to emphasize the necessity of buying these lands under that procedure. These maps and data went east to him, but I heard nothing more about it, although I was very much interested and anxious to learn what had taken place. In March 1927 I had a letter from Mr. Albright in which he informed me that the big plan did not go through and that it was impossible to do anything at that time on account of the attitude of the Wyoming Legislature and the Wyoming delegation in Congress and the Wyoming members of the Elk Commission, who were opposed to any withdrawal of land in Jackson Hole. He stated that Will Deloney had fought very hard on this proposition and had made a good impression, and it would be impossible for them to do anything in the way of a withdrawal—

Senator NORBECK. Mr. Deloney at that time was opposed to any withdrawals?

Mr. WINGER. Yes; at that time I think Mr. Deloney was one of the opponents to any park extension of any kind. He always has been.

Naturally, I supposed that the thing was dead. However, the next I knew of it—I knew nothing about it until rumors began to float around in the late fall of 1927 that somebody was going to buy some land in here, and it was some cattle company or some land company, and they understood that Mr. Miller knew all about it,

that maybe he was going to buy the land, and we wondered who had sold, if anybody, and if they had approached anybody. The first I knew, I think, was a sale made by Mrs. Edick, just north of Grovont. I happened to be on the stage one day and she told me she had sold. I asked her who had bought the land, and she said that Mr. Miller had, and I said, "for himself"? and she said no, that he was buying for somebody else, but she didn't know who. I was very much interested, probably more than anybody else. There was some suspicion in my mind—I couldn't believe that this plan was going through, I wasn't sure, I had been so badly fooled before—I couldn't figure this out, I couldn't understand it. I thought, of course, if anything was done along that line that I would be one of the first who should know about it. I will admit that I was considerably piqued, because I was dropped so flatly when things had started. Nevertheless, it was not until in the winter of 1928 that I learned who was buying the land or who was behind it. I did not learn accurately then who was buying the land, but I had a letter from a man in the East who told me that the Rockefeller Foundation was buying the land, and that it was for park and game purposes. Now, of course, I figured then, of course, that this was our big plan that we had sprung in 1923, and that it was finally going through. I prepared to take advantage of it in this way—we had planned that in our plan, of course, the dude ranch was to be one of the main means for taking care of the people who came to this area, and I wanted to get into the dude business, and I made quite elaborate preparations for that. That later fell through. However, I do not think that is germane to the subject, probably.

Anyway, I had nothing to say about this proposition. It was none of my business. I had been left out. However, as I say, I was quite piqued over it, but there was nothing that I could do about it. I had hoped that the plan would go through, and I hoped that it was our plan. Later, I began to hear that they were only purchasing the land north of the Gros Ventre and omitted certain other lands. At the time I was interested in forming this dude ranch, I had interested with me a man by the name of Donald Hough, a writer, and we were quite interested in the acquiring of this Jackson Hole Courier along with this ranch. We had elaborate plans for that paper; or, he did, principally.

Senator ASHURST. That is the same paper that you had disposed of some years previous?

Mr. WINGER. Yes; that is true. That is the same paper.

Senator CAREY. Wasn't Mr. Albritt interested in the purchase of that paper?

Mr. WINGER. He said in one of his letters that he was, but I didn't know anything about that. The letters were published here last winter.

Senator CAREY. I think he wrote that to different people here.

Mr. WINGER. He may have. I am not sure. I will be glad to look that up and answer your question more fully on that, Senator Carey.

At this time, I had no information regarding the Snake River Land Co., what they were doing or what they planned to do, but I suspected that it was our first and original plan, and hoped that it was. If that was the case, I wanted to be in on the ground floor, because I thought it was a splendid opportunity there to get started in a big way in the

recreation business. I think I talked with Struthers Burt in regard to this and about our whole plan of the dude ranch lay-out, which consisted of two or three set-ups throughout the valley, and, in connection with this, what we planned to do with the Jackson Hole Courier. We hoped to get that, and we wanted to keep the local flavor of it, you know—we wanted to make it a sort of a recreation publication, something that would be able to give out authentic information on recreation and national parks, and so forth, something that people would refer to for authentic information. We had a lot of ideas, anyway, and Mr. Burt thought it was a very fine thing, and he urged upon me to call upon Harold P. Fabian in Salt Lake City and tell him what our plan was.

Senator CAREY. Mr. Burt evidently knew that Mr. Albright had already arranged with Mr. Fabian ahead of this.

Mr. WINGER. Mr. Albright was not here.

Senator CAREY. You testified here that Mr. Albright——

Mr. WINGER. They had been in the valley buying the land for sometime, yes.

Senator CAREY. You knew they were buying it?

Mr. WINGER. I knew they were buying, but I didn't know what it was for or who it was that was buying it.

Senator CAREY. In your testimony, you say "they" and you have just the two names of Albright and Fabian linked together. Did you realize that when you answered that question?

Mr. WINGER. No; I didn't realize that, Senator.

Senator CAREY. All right, let's get that straightened out.

Mr. WINGER. I didn't see Mr. Albright here at that time, and I didn't see Mr. Fabian here. The purchasing was being done quietly by Mr. Miller, of Jackson. No one here knew what was happening. We were all speculating. We didn't know where we stood.

Now, I finally decided that I would do as Mr. Burt suggested, and I called upon Mr. Fabian in Salt Lake City and explained what our plans for the Courier was; he thought it was a fine thing. I told him how we wanted to make some kind of a hook-up with the National Park Service in order that we could be in position to give out semiofficial or authentic information regarding parks and recreation. He thought that was a fine thing, and hoped we would do it. But in our conversation he made it very plain to me that the Snake River Land Co. could have no connection with a newspaper nor assist in any way, either in the purchase or operation of a newspaper.

Senator CAREY. Who owned the paper at that time?

Mr. WINGER. I believe Walter Perry owned it at that time. However, shortly after my visit with Mr. Fabian he sent word to me that he wanted to have a talk with me in Jackson. He came in to see me and asked me if I would consider entering their employ to assist in the purchasing of these lands. I declined at first. He said that Mr. Webb was coming out, I think, as I recall it, it was about 10 days later he was due, and he asked me if I would meet with him and Mr. Webb to talk over this. I agreed to do that. We had two or three meetings and I finally agreed to assist them with their purchasing program.

Senator CAREY. It was under Miller at that time?

Mr. WINGER. The purchasing program?

Senator CAREY. Yes.

Mr. WINGER. He was their sole agent.

Senator CAREY. Did you work with him?

Mr. WINGER. No, sir.

Senator CAREY. But you were under him?

Mr. WINGER. I was neither under him nor did I work with him.

Senator CAREY. You were buying at the same time he was buying?

Mr. WINGER. That, Mr. Fabian stated, was one summer, after I had been employed, and went to him for guidance.

Senator ASHURST. When did you begin to work for the Land Co., Mr. Winger?

Mr. WINGER. In the summer of 1929.

Mr. PICKETT. Mr. Winger, before you go into your purchasing agreement, I would like to go back and ask some questions concerning the matters which you have testified to?

Mr. WINGER. Yes.

Mr. PICKETT. You said that in the years 1919 and subsequent years there have been three attempts to extend Yellowstone Park south?

Mr. WINGER. I think that is correct.

Mr. PICKETT. And you were employed to go East to combat this?

Mr. WINGER. No, sir; that is absolutely false; that statement has been made repeatedly.

Mr. PICKETT. What is your statement about it?

Mr. WINGER. I was employed by the cowmen to assemble their propaganda against park extension; I was never at any time employed by the cowmen to go East to fight park extension.

Mr. PICKETT. But you were employed to fight park extension?

Mr. WINGER. Yes.

Mr. PICKETT. Through your efforts, and the efforts of the people in this valley, park extension was defeated?

Mr. WINGER. I do not think so.

Mr. PICKETT. But it was defeated, anyway?

Mr. WINGER. But not through our efforts.

Mr. PICKETT. But neither of those bills you mentioned were ever passed?

Mr. WINGER. No, sir.

Senator NORBECK. The bills were defeated in Congress, weren't they?

Mr. WINGER. I cannot just recall. One of them died at the end of a session, and another was defeated at the request of Senator Nugent, of Idaho.

Mr. PICKETT. What was your purpose—what were you to do; who were you to get information for, and for what purpose?

Mr. WINGER. My employment was for the purpose of carrying on their correspondence with our delegation in Congress, and with any newspapers or magazines, or any way in which we thought we could get influence to work against that program.

Mr. PICKETT. Regardless of what caused it, the bills were never passed?

Mr. WINGER. They never were passed; no, sir.

Senator CAREY. That was the summer of 1919, was it?

Mr. WINGER. The first bill, I think, Senator Carey, was introduced in 1918.

Senator CAREY. When were you employed?

Mr. WINGER. I was employed in the spring of 1919.

Senator CAREY. When did you have a meeting at Menor's Ferry?

Mr. WINGER. In the year 1923, 4 years later, and I am sure that the money that was raised to send me east after that meeting in 1923, was not raised from local cowmen in any instance that I recall.

Mr. PICKETT. Now, referring to this map here, Mr. Winger, the area described there and included within the green of different colors is what is the Jackson Hole, isn't it?

Mr. WINGER. You mean, included in the green?

Mr. PICKETT. Yes.

Mr. WINGER. I do not think so.

Mr. PICKETT. What I mean, this light green——

Mr. WINGER. I know what you mean.

Mr. PICKETT. You think that is not an accurate map of the Jackson Hole area?

Mr. WINGER. I do not think that is the Jackson Hole.

Senator NORBECK. Part of it is east of the Continental Divide.

Mr. PICKETT. I am asking the witness.

Senator NORBECK. Look at the map.

Mr. PICKETT. The area within the forest boundaries, where does Jackson Hole extend?—I do not want any argument about it.

Mr. WINGER. I think in the early days it is conceded that what was normally Jackson Hole was largely this particular area adjacent to the town of Jackson, in this spot, although all of this country included in this territory here is really what is known as Jackson Hole.

Mr. PICKETT. Is your idea of Jackson Hole, Mr. Winger, just to the town of Jackson?

Mr. WINGER. What always is considered Jackson Hole now, and what may always have been considered, so far as I know, is the territory——

Mr. PICKETT. From the Hoback River?

Mr. WINGER. Yes; from it—from Moran on the north, to the Hoback River.

Mr. PICKETT. Doesn't the map indicate that?

Mr. WINGER. You see, that is the green; that is the mountains surrounding the Hole.

Mr. PICKETT. I said, the area within the green?

Mr. WINGER. I misunderstood you; you are right, within the green.

Mr. PICKETT. Yes?

Mr. WINGER. Yes.

Mr. PICKETT. That is the only privately owned land within the county, isn't it?

Mr. WINGER. No, sir.

Mr. PICKETT. Where are other lands?

Mr. WINGER. West of the Teton Range—Alta, Wyo.

Mr. PICKETT. Where is that?—is it right on the line?

Mr. WINGER. Yes.

Chairman NYE. What is the white patch there?

Mr. PICKETT. To keep the record straight I would like to have Mr. Winger answer that.

Chairman NYE. That is all right.

Mr. WINGER. There is a community in Wyoming west of the Tetons, and it is located on the map—this is evidently the mark to show that land there.

Mr. PICKETT. But your original idea in 1923 was that all of this privately owned land should be purchased?

Mr. WINGER. No; I would not say that.

Mr. PICKETT. Well, I mean your plan was to include all of Jackson Hole of the people that wanted to sell?

Mr. WINGER. Yes.

Mr. PICKETT. You mentioned that it was agreed that you would withdraw your opposition to the Grand Teton National Park, provided the other was not to be made a part; is that the correct understanding that I have?

Mr. WINGER. No, sir.

Mr. PICKETT. What was your understanding?

Mr. WINGER. We agreed to withdraw our opposition to the creation of this particular park, provided that they would continue to work for this larger plan, this national recreation area. We agreed to withdraw that, because that was the first step we felt necessary to protect that area.

Mr. PICKETT. Was that in 1923?

Mr. WINGER. In 1923; yes.

Mr. PICKETT. Do you have reference to what was later created Grand Teton National Park?

Mr. WINGER. Well, of course, those lines had not been set out then; we had reference particularly to the protection of those particular lakes in that country there.

Mr. PICKETT. And the range?

Mr. WINGER. And the range; yes.

Mr. PICKETT. What was your understanding as to how the other was to be handled at that time? Was that to be in the park?

Mr. WINGER. We had no understanding; we only stipulated it be handled by the governmental agency best fitted to handle it, and we asked particularly that the question be not brought up until we found it was possible to have it set aside and made a national recreational area. We were not interested in what agency handled it.

Mr. PICKETT. At the time this plan was agreed upon, and it was later followed out by the Snake River Land Co., were any of the members, or the men, that attended this meeting at Menor's Ferry, included or given any knowledge of the thing?

Mr. WINGER. I can only say as——

Mr. PICKETT. If you know?

Mr. WINGER. As to Mr. Eynon and Mr. Jones I know they were not included or given any knowledge in regard to the plan.

Mr. PICKETT. And Mr. Burt, too?

Mr. WINGER. I do not know whether Burt knew anything about it or not.

Mr. PICKETT. But neither you nor Eynon nor Jones were informed?

Mr. WINGER. No, sir.

Mr. PICKETT. You say that your idea grew out of the bad condition of the ranchers through this area?

Mr. WINGER. In this way: The principal objection to the park extension in this country had always been the complaint of the ranchers that if they extended the park "they will freeze us out." It was to eliminate that one objection—there wasn't a chance to do anything; I know that our congressional delegation, they considered

that, and I know that is the only objection that appealed to them, and we knew there would be no chance to create a national recreational area as long as that objection remained; that they intended to freeze us out. The first step we took was for the removal of that objection, by making it possible for them to be purchased by private individuals, not by governmental agencies.

Mr. PICKETT. What really gave you the idea was the economic condition of the valley, is that my understanding?

Mr. WINGER. Not at all.

Mr. PICKETT. What had the condition of the cattlemen to do with it, then?

Mr. WINGER. Simply because we thought then that the condition of the cattlemen—their whole attitude toward the country, and their thoughts of making this a great cow country, had changed, and it would be even possible, because of the changed attitude of the people here, to work out a national recreational area. With the people solidly against it we would not have had a chance to do it.

Mr. PICKETT. That is the people of Jackson Hole?

Mr. WINGER. Yes, sir; I might say, Mr. Pickett, that I could go into that quite at length, but I do not want to take up the time for it, but I might say that I have a copy of the paper with the early history of the park extension moves here, a good deal of which information I supplied, and a good deal of the data included in there I have copies of myself, and by referring to that I can probably go through this more rapidly, and I wish that it were possible to have that early history, which is really as essential as those letters included in the pamphlets, made a part of your record.

Senator ASHURST. What is the objection to their going into the record?

Senator CAREY. I have no objection to them going into the appendix.

Senator NORBECK. I have no objection.

Chairman NYE. Let it be ordered that it be printed in the record; you can supply it after you have finished your testimony.

Senator ASHURST. You had reached the point where you took up your employment with the company.

Mr. WINGER. That is really the story; I have gone through the situation they asked me for—that is, the meeting at Menor's Ferry, and the start of this idea for the whole thing.

Mr. PICKETT. You had reached the point, Mr. Winger, up to where you had been employed by the Snake River Land Co., and if you will continue with your statement of your work in connection with that company—

Mr. WINGER. Well, it was simply a matter of being employed by this company to purchase the lands within a certain area. This area did not conform at all to our original plan submitted in 1923, and the plan of operation in this area was considerably different from our ideas submitted in 1923. However, we had reached the point where we feared that our greater or larger plan had failed for lack of funds, and I was glad to see even this part above made into a project of that kind, because I do think that even so far as Mr. Rockefeller has gone that it is a good project. I think it could go a little further and be a much better project, and I think that the original plan, which we had in 1923, is a better project than any of them.

Mr. PICKETT. And that one you had in 1923 would leave anybody in the valley who wanted to stay?

Mr. WINGER. Not necessarily; well, yes; those that wanted to stay could stay.

Mr. PICKETT. That would leave the cattle ranches?

Mr. WINGER. Not all of them. Under our original plan it was not to leave all of the cattle ranches, because there were certain cattle ranches that were not operating profitably, and probably could not operate profitably, but by removal of those cattle ranches you would make it possible for the others really to operate more profitably, and possibly give some assistance to the game.

Senator CAREY. How would you remove those not operating profitably?

Mr. WINGER. By purchase.

Mr. PICKETT. Now, you entered into a contract, I assume, with the Snake River Land Co. for your employment?

Mr. WINGER. Not at first.

Mr. PICKETT. Not at first?

Mr. WINGER. No, sir.

Mr. PICKETT. Were you working on a commission basis?

Mr. WINGER. Not at first.

Mr. PICKETT. What was the arrangement, Mr. Winger?

Mr. WINGER. I worked for nothing.

Mr. PICKETT. How long did you work for nothing?

Mr. WINGER. Oh, some 4 or 5 months, I guess.

Mr. PICKETT. Did you receive anything for it?

Mr. WINGER. Yes; I did. That in itself, is quite a story, if you want it I will give it to you. I had a ranch or a property within this area, and there was quite a misunderstanding between the officials of the company and myself over this ranch. I had taken this ranch up, or made a filing, I would say, on what was later known as a timber and stone claim.

Senator NORBECK. Under the timber and stone act?

Mr. WINGER. Yes, under the timber and stone act. I made a filing on 137 and a fraction acres on Deadman's Bar. I made this filing in 1926, I think, in the late fall or late summer of 1926. That I had in mind for my headquarters for this particular dude ranch that I talked to you about. That was before I had any intimation that anybody had become interested in supplying funds to carry out this project, and was some 3 years after we had submitted this plan at Menors Ferry, and was after we had decided that probably that dream was over with. I submitted a filing on this timber and stone, and it was rejected by the Evanston Land Office on the grounds that its scenic value—that it had a greater value for its scenic attractions than for its timber and stone.

Mr. PICKETT. Do you recall the date of that rejection, Mr. Winger?

Mr. WINGER. That was late that fall, or was the early winter, I believe; I do not recall the exact date.

Mr. PICKETT. Of what year?

Mr. WINGER. 1926. I immediately, when I was notified that this had been rejected, wrote to Mr. Albright for advice, and I wrote to Senator Kendrick for advice. I wrote to Albright because he was my good friend, and I thought that in the Government service he could probably give me this information as quick as any other one. I wrote

to Senator Kendrick and asked his advice about what to do. I think I asked both of them if they thought it wise for me to employ an attorney in Washington, that I desired to appeal to the Commissioner of the General Land Office. Senator Kendrick wrote back that it was not necessary, that he would handle that for me himself. Mr. Albright was not present in Washington at that time, and he said he would ask someone—I forgot whether it was a friend or an attorney—to look into it for me. That does not register clearly in my mind. Anyway, Senator Kendrick himself looked after this appeal of mine before the Commissioner of the General Land Office to the decision of the Evanston Land Office, and the decision was reversed, and I was permitted to make my purchase of that timber and stone entry. Before I entered the employ of the Snake River Land Co., I heard from various sources that I had taken up this property, and I believe that the statements were attributed to Miller—I do not know that Mr. Miller ever made them—that I had taken up this property to speculate on the Snake River Land Co., and they connected it up with the old original idea in 1923. That made me considerably mad; I was made about it. I was piqued about it because I had no idea of the other project going through.

Senator ASHURST. Evidently you thought that the 1919 plan was an exploded dream?

Mr. WINGER. Yes; I completed my purchase late in 1927, after I had received the letter from Albright stating that the plan had fallen through. However, as I say, I was piqued about that, and in my first conversations, I believe—I believe the first that the sale of my ranch was ever brought up, I think, was with Miller; I think I talked with him about it. He asked me what I wanted for it, and I told him \$25,000, and he said that he would wire East and see whether they would accept it, or something of that kind; anyhow, he told me that they would not. But, later, when Mr. Webb and Mr. Fabian came in to talk to me about my employment, about going to work for the company, I still had this in the back of my mind, and at the same time that they were trying to employ me they still believed I took this up to speculate on. I think it was some time after I worked for them before they finally got the facts on that, and realized I had not done so. Anyhow, I told them they could not have it for less than \$25,000, and they said they would not pay it, of course. Then they asked me what I would expect to go to work for them, and I told them "Nothing." I considered I had been a sort of an originator of the whole idea, that this was an outgrowth of our plan in 1923, and I was anxious to see it completed, and I would go to work for them for nothing. They told me I was foolish, that I could not do that, and wanted to make some kind of a contract with me. I refused to go to work on any other terms than that. I had my reasons for it. As I say, I was piqued about that, and I knew I was not going to agree with them very long; I did not expect to. So, I went to work with that understanding. I worked for some little time while they were still in here, and I was completing a trade for my car I had, I was trading for a new car, and they wanted to buy me a car to run around in. I was paying my own expense and buying gasoline and everything else. They wanted to buy me a small car, and I did not want them to do so.

Senator ASHURST. Did they offer you a Ford?

Mr. WINGER. Yes; then, they asked me if I would consent to their paying the difference in my trade on this car, and they said it was not fair for me to pay all of my own expenses and buy my gasoline, and use my own automobile, and I finally consented to that and they gave me a check for \$700.

Mr. PICKETT. What did you finally arrive at in your agreement of compensation?

Chairman NYE. This, I take it, is his compensation for those months.

Mr. WINGER. I understood you asked what I received, and I am trying to tell you just how I received it.

Chairman NYE. Is that all you received?

Mr. WINGER. Oh, no, not at all.

Chairman NYE. All right.

Mr. WINGER. I worked for some 4 or 5 months, I would say, as I recollect it, and along about the holidays I received a check from Mr. Fabian, and he enclosed it in a letter and worded it in such a way that it was hard for me to send it back; and I kept this check, in the amount of \$250. That made a total of \$950 that I had been paid. Later, the next year, they asked me to come to Salt Lake, and asked me if I would take charge of their program in here; I agreed to do that.

Mr. PICKETT. You were not in charge up to that time?

Mr. WINGER. No, sir; I agreed to do that, and they then said—I believe they said that, Mr. Chorley insisted, that a contract be drawn, and that I be paid for my services sufficient to cover my expenses, the use of my own car, and so on. There was considerable discussion about that contract. Again my land entered into it. They wanted to tie my contract and remuneration up to this land in a way that did not suit me. The result was that I finally—they offered me \$2 an acre, I believe it was, to purchase this land before a certain date, so all of the land I could purchase before a certain date I was to be paid the sum of \$2 per acre, and, after that date, I was to be paid a lesser sum, I think \$1.25, if I remember right. I refused to accept those terms for the simple reason, as I pointed out to them, that I might step out and use any means and not guard their interests in an endeavor to purchase as much as possible before that date in order to get the \$2 commission.

Mr. PICKETT. What means do you refer to there?

Mr. WINGER. To go out and pay prices in excess of the value of the land, which would not be to their interest, of course, but would be to my interest, to secure a larger commission before that certain date.

Mr. PICKETT. Did you have scheduled prices?

Mr. WINGER. Did I?

Mr. PICKETT. Yes.

Mr. WINGER. There was a set of schedule prices out; yes. So, we then agreed on the price of \$1.25 an acre, with no question about the time. They offered the suggestion—I was in total disagreement about the schedules on some of this property when I went to work for them, and when I went to work in sole charge they made the proposition to me that I be paid on a commission basis and that I be given a sort of a bonus for my ability to purchase this land cheaper than some of their schedule prices. I also refused that, because I told them I did not want to be in the position of endeavoring to purchase my neighbors' lands at less than these prices—I did not want my

contract on that basis. They finally arrived at a figure of \$1.25 per acre, which I agreed to. I cannot tell you how much land I bought, but I can tell you, if you want it for the record, about the amounts of money they paid me.

Mr. PICKETT. Is that agreement included with the purchase of your land also?

Mr. WINGER. I believe that there was an agreement in there that I was not to dispose of my land before a certain date. I know how it was, now, I recall; I still insisted I would not sell this land to them for less than \$25,000, and they insisted they would not pay it. I first insisted I would work for nothing, but I was going to make them pay \$25,000 for the land just because I was piqued, I admit it. It was not even sensible argument, but they made the contract in such a way that the payments they made me per acre applied against this price. They had an option on this land, and, if they bought it, all of the payments they paid me applied on the purchase of the land. In other words, if they bought my land for \$25,000 I would probably work for 3 or 4 years for nothing.

Mr. PICKETT. Was that your final arrangement?

Mr. WINGER. I think that was the first agreement we made, dated March 8, 1930.

Senator CAREY. Did you finally sell the land?

Mr. WINGER. Yes; I did, Senator; to the Snake River Land Co.

Senator CAREY. You sold it for twenty-five thousand, less the commissions?

Mr. WINGER. No; we had other arreements after that, and I received at one time from them—I have already told you of the nine hundred and fifty I received, and I think the next check was something over \$3,000; the next check was something over \$2,000, and then they deposited to my check in Salt Lake five hundred at one time, and a thousand at another time.

Senator ASHURST. Was that commissions on purchases you made?

Mr. WINGER. Yes; and they understood I had the hard proposition; when I came in the easy work had all been done.

Senator CAREY. Did you say you sold your land?

Mr. WINGER. Yes; to the Snake River Land Co.

Senator CAREY. What did they pay you for it?

Mr. WINGER. \$1,000.

Senator CAREY. That you got for the land?

Mr. WINGER. Yes.

Senator CAREY. And then you got those other payments they made to you, besides?

Mr. WINGER. Yes, I had not completely told you about the payments I got.

Senator CAREY. It was so involved that I could not follow you.

Mr. WINGER. The point was, I had a pretty hard proposition on my hands, and they realized that, and they were very liberal. Besides these payments they made, they paid me a bonus of \$5,000; I do not know what that totals.

Mr. PICKETT. Prior to the time in 1929 did you have any conversation with Albright about this claim?

Mr. WINGER. During what year?

Mr. PICKETT. 1929?

Mr. WINGER. I do not recall any conversation in 1929, Mr. Pickett; can you refresh my memory on it?

Mr. PICKETT. I have here a letter dated June 22, 1929, from Al-Albright to Chorley, taken from file 610-01, part 4, of the National Park Service files, which I would like to offer.

(Thereupon, exhibit no. 25 was marked for identification:)

Chairman NYE. If there is no objection, it will be received for the record.

EXHIBIT No. 25

YELLOWSTONE PARK, WYO., June 22, 1929.

Mr. KENNETH CHORLEY,
Room 3006, 61 Broadway, New York City.

DEAR KENNETH: I have just returned from 2 days in the Jackson Hole. Conditions down there are very interesting.

I have never seen the country looking better. The mountains are covered with snow, far more snow than I have ever seen at this time of the year. The new park is certainly very spectacular at this particular time. Superintendent Sam Woodring has his headquarters fixed up at the old Stewart Ranger Station and is making a very favorable impression.

I have already written you about his becoming acquainted with Miss Noble, one of the owners of the Ferry ranch, and Mrs. Lucas. He is continuing to make good progress. He has also gotten on friendly terms with Richards, who owns the property containing the cabins and dance halls near Jenny Lake. He has hired, as a temporary ranger, Smith, who is a homesteader on the west side of Blacktail Butte. You will find his name on the list of owners in 43-115. He is a very likeable fellow.

Henry Stewart says that he has inside information that the Elbo ranch people are in a bad situation financially, owing to some losses which Goss has recently suffered in Los Angeles. He got his information from Goss' partner, Madam Gebo. He thinks it may be possible to buy Goss' interest and afterwards, or perhaps before, buy the interest of Madam Gebo. He says he thinks that \$60 per acre would clean up the Elbo. However, Irving Corse, of the Bar BC says it could not be touched for \$75 an acre and it may be held at \$100.

Corse told me at noon today that Smith (not Ranger Smith) owns property next to Richards, near Jenny Lake (43-116), and just sold 10 acres to an Oklahoma oil man for \$200 an acre. I could not get any confirmation of this information.

I personally talked with Crandall. He wants \$100 an acre for his place, but says he does not want to sell it. He would prefer to keep it for a home. We are giving him the photographic franchise in the park and I told him that if the park should want his homestead, we would expect him to sell it much more reasonably than \$100 an acre, but that we would arrange to let him have a home on the property, if necessary, for the period of his lifetime. I told him I might want to talk to him about this again when I am in the Grand Teton Park on July 3.

Sam Woodring tells me that Tony Grace told him that he hated to have to sell his place, but felt that sooner or later the good of the cause would make this necessary and that he expected to be reasonable.

In Jackson I met Harry Weston, whom I have known for years. He asked me to be careful not to let the information get back to Miller and then he told me just a few things. He said that he had bought Miller's bank and other interests but that he had to move slowly on account of public sentiment and would not come out in the open for about 6 months. He said he was exceedingly anxious to see me, but felt he had better come to Yellowstone in about a month and see me then. He made the remark that he thought the future of the Jackson Hole and his own future depended a very great deal upon his next conversation with me. He said I could count on him to be very friendly. I saw Mr. Miller, but he had nothing to say anent our project.

I had a long talk with Winger. He and his friend Neilson were much concerned about the investigation of the timber and stone claims. I told him that I thought they would lose their claims, because anybody that takes up a timber and stone claim is presumed to be trying to rob the Government, unless he is in the timber and stone business. We finally ended our conversation on this point, but Winger agreeing to see if he could not get Huff and Neilson to relinquish their claims for a fair sum and pledged that his wife would do this. We discussed his own property and I told him that I thought if he wanted to have a chance to get into the bigger game, in accordance with his conversation with

Mr. Fabian, he had better get his price for his own property down the scale a long ways.

Among the people I talked with, it seemed to be conceded that Winger's star is rising as Miller's falls, and that Miller is about through. It looks very much as if Miller is getting ready to cash in and quit the country.

Aside from the rumor about the Smith sale to the Oklahoma oil man, I could not see any evidence of increased values over last summer.

There is a situation at Moran that is bad. The new road is to be built from Moran to a junction near Jackson Lake Lodge with the main road to the park and to Lander. A lot of the road crosses a swampy meadow owned by Whiteman, who also did own the junction but has sold the property to Fessler. There is no other place, as I see it, for the junction and road. Fessler will have to be dealt with and the best way, it seems to me, is to give him some kind of a lease on the property he has for a few years in return for the opportunity to buy what he acquired from Whiteman. That junction is going to be very valuable and has high potential opportunities for trouble from the landscape standpoint. Joe Allen will write Mr. Fabian more about this.

Allen rounded up the Bureau of Public Roads engineer and we all carefully examined the maps. I find that the road is being built exactly where I personally asked that it be built some years ago; in fact, 2 or 3 years before our project was adopted. I did not know that the junction would be anywhere near Whiteman's land.

Our chief landscape architect and the chief sanitary engineer are going to Grand Teton Park in Jackson Hole to study landscape and sanitary problems within the next week or so and their reports will have a bearing on this whole proposition.

The above is for your information and for such comment as you think it deserves. Joe Allen seems to be on the job. He was probably around me a little too much today but he was very useful and I doubt whether he was very much observed. He seems to know everybody and offhand I would say that he was getting along fine.

I will be in the Jackson Hole again July 29 and 30 and again on September 1. Confidential letters addressed to Superintendent Woodring in regard to any of the above matters can be mailed to him at Moose Post Office, Teton County, Wyoming.

Sincerely yours,

_____, *Director.*

Mr. PICKETT. I am going to question him about certain features of it.

In this letter, Mr. Winger, in one paragraph it says—"I had a long talk with Winger. He and his friend Neilson were much concerned about the investigation of the timber and stone claims. I told him that I thought they would lose their claims, because anybody that takes up a timber and stone claim is presumed to be trying to rob the Government, unless he is in the timber and stone business. We finally ended our conversation on this point, but Winger agreeing to see if he could not get Huff and Neilson to relinquish their claims for a fair sum and pledged that his wife would do this. We discussed his own property and I told him that I thought if he wanted to have a chance to get into the bigger game, in accordance with his conversation with Mr. Fabian, he had better get his price for his own property down the scale a long ways."; do you recall that?

Mr. WINGER. I do not. I have no doubt that it took place, if Albright said so, but I do not recall it. What was the conversation?

Mr. PICKETT. He states previous to that that he had been in Jackson?

Mr. WINGER. It very possibly took place, I do not recall the conversation.

Mr. PICKETT. You do not recall any of that?

Mr. WINGER. No; I don't.

Senator ASHURST. I want to make an observation that I do not believe that moral turpitude rests upon any person trying to take up

a timber and stone claim, because the law grants them that right, just as in the early days they did not have to live on a coal claim—they paid \$10 an acre.

Mr. PICKETT. At that time Mr. Winger was not in the employ of the Snake River Land Co., and held the land subject to sale to them, and this was a statement which Albright says he made to Winger in connection with the land.

Senator ASHURST. I see.

Mr. WINGER. I had many other conversations with Albright, and no doubt this land was brought up, but I do not recall this conversation or know where it took place.

Mr. PICKETT. Do you have an approximate idea, Mr. Winger, of how many pieces of property you purchased; that is, from how many different people?

Mr. WINGER. Well, I haven't now, but I can give it to you. Would you like to have it?

Chairman NYE. Can you approximate it, Mr. Winger?

Mr. WINGER. Well, it is the worst kind of a guess, I never thought of that, I suppose 30.

Mr. PICKETT. Thirty different people?

Mr. WINGER. Possibly.

Mr. PICKETT. Now, during this time that you were making purchases did you have any conversation with any of these prospective sellers relative to the right of the Park Service to condemn land if they did not agree to sell?

Mr. WINGER. You say, during this time I was purchasing agent?

Mr. PICKETT. Yes.

Mr. WINGER. Yes; and before the time I was purchasing agent.

Mr. PICKETT. Was this told most of these people?

Mr. WINGER. Wherever they asked me anything about it I told what I knew about it.

Mr. PICKETT. Did you tell them all substantially the same thing?

Mr. WINGER. Well, I am not sure, I do not remember. The fact of the matter is I do not remember any single conversation about it, but I do know I talked to lots of people about it. I know before I was purchasing agent that the question was up and discussed. I do not think it was brought up by the Snake River Land Co. or its representative at all.

Mr. PICKETT. What did you tell these people?

Mr. WINGER. I haven't the slightest idea, I do not remember any single conversation. I think the first time it came up someone from the Jenny Lake neighborhood came to me and said they had seen a copy of the act which gave the Park Service the right of condemnation. I had always contended—these things had been discussed before I was the representative—that undoubtedly the Government did have this right, and that I was subject to it, to my land, as well as to the land of anyone else. But I did not know anything about it, and when these things were brought up to me repeatedly I began to make some inquiry to see if I could find out about it. I had heard that someone had a copy of the act near Jenny Lake, I do not recall who had the act, but I do recall that I went to Harold B. Fabian and asked him about this, and asked him if he could secure for me a copy of that act. I told him I had been asked a great many questions with regard to it, and would like to have a copy of it if possible. I think it was Mr. Fabian who sent me, not a copy of the act, but I

will show you what he sent me. This one, see? I do not even know what it is from, it does not say on it, but marked on it were these red lines when I received it. I think it is an appropriation act for some department that probably included it; I am not sure what it is.

Mr. PICKETT. Did you show that act to these prospective sellers?

Mr. WINGER. I would not be surprised if I did, because I think that was probably the topic of conversation with a good many of them.

Senator ASHURST. When you showed this paper to these prospective sellers was it for the purpose of inducing them to sell?

Mr. WINGER. No, sir.

Senator ASHURST. For what purpose did you show it to them?

Mr. WINGER. For their information. They had asked me with regard to these things many times, and I secured this information. We had no right of condemnation.

Mr. PICKETT. Were you apprised you had no right of condemnation?

Senator ASHURST. We know that the Snake River Land Co. did not have the right of condemnation.

Mr. PICKETT. You referred to the Snake River Land Co.?

Mr. WINGER. Yes.

Senator ASHURST. But the Government had the right of condemnation and did you hold out to them that the Government had such a right, in an effort to make them sell?

Mr. WINGER. No; I did not say that to them in an effort to make them sell, but I repeatedly told them that the Government had the right to do that, and I did that before I was purchasing agent, and I wondered if I would hold land as I was then doing, or would be forced to sell.

Senator ASHURST. I see.

Mr. WINGER. As far as that is concerned, even, if I did own that land, probably the Government had that right and would have condemned me if they wanted the land. I still think—I do not understand why the explanation of an act of Congress, passed for the very purpose—I do not understand why it would be wrong to speak of it.

Senator ASHURST. I do not think anyone here has yet asserted that it would be, but we are interested in ascertaining the methods used in purchasing these lands, and we want to know, if you or anyone else—told them the lands might be condemned by the Federal Government if they did not sell to the Snake River Land Co.

Mr. WINGER. I probably did.

Senator ASHURST. I am not now saying it was wrong if you did.

Mr. WINGER. I probably did, both before and after I was purchasing agent.

Senator CAREY. This is the way I read it, I do not know whether it is a report or act, but it applies only within the boundaries of the parks, and it excepts Yellowstone and other parks.

Mr. WINGER. Yes.

Senator CAREY. They are excepted, Glacier and Yellowstone, and it is, as I read it, as to purchases within a park.

Mr. WINGER. Yes.

Senator ASHURST. The question as to whether private lands may be condemned for national park purposes, arose out of an attempt to make Monticello, Jefferson's home, a national park; the owner

declined to sell—he had a right to decline—and some of the eminent lawyers of the Nation looked into the question to ascertain whether the Government could condemn private land for a national park. While I do not now know of any cases decided by the courts, many lawyers were of the opinion that lands could be condemned for national park purposes, but the introduction of legislation tends to show that some of them doubted if it could be done.

Mr. WINGER. This legislation referred to is in connection with the act of 1878.

Mr. PICKETT. Do you recall this afternoon a letter of Mr. Fabian in which it was stated that, due to this being common knowledge that they could condemn, and the activities of Williams, would help clear up the Jenny Lake situation; do you recall that being read into the record?

Mr. WINGER. You mean—I remember that about Williams, but I don't just get the other statement.

Mr. PICKETT. Were you acquainted with Mr. Williams?

Mr. WINGER. No, sir.

Mr. PICKETT. You never met him?

Mr. WINGER. I do not remember of meeting him; I might have met him.

Mr. PICKETT. Did you make any purchases in the Jenny Lake area?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Who did you purchase from?

Mr. WINGER. I purchased from Mrs. Hedwick, Moody, Sam Smith and wife, Russell Lucas, Homer Richards, Tony Grace.

Mr. PICKETT. Did you purchase from Rowena Smith?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Do you recall whether or not any of these men were told that the Government might condemn if they did not sell?

Mr. WINGER. I do not recall, but I might possibly in our conversations have said that that was my understanding.

Mr. PICKETT. Did you explain the procedure in a condemnation suit and proceedings?

Mr. WINGER. I think I did, in some cases, but I do not know who to, but that recalls to my mind this, that in the various conversations we had here, even before there was a purchasing agent, there was considerable talk about—some fellow said he would as soon be condemned, because they said they had the idea that there was a commission appointed locally of appraisers to set the value of the land. The fact of the matter is that I had that same idea until I was informed differently about that just in a conversation, I believe, If I am not mistaken, with Mr. Clendenin in Salt Lake City. Mr. Clendenin had had a condemnation suit, and he had said something about this condemnation suit, and I asked him what was the procedure there, and he informed me that it was the filing of a suit and the taking of testimony, and so on and so forth, and it was the first I had any idea of just what the procedure was.

Mr. PICKETT. After you gained that information did you tell that to the prospective seller?

Mr. WINGER. I possibly did; I do not know.

Mr. PICKETT. The exhibit I had reference to, Mr. Winger, is exhibit no. 15, and contains this statement referring to a change of

road at Jenny Lake: "This, together with Williams' activity, and the knowledge of the recent legislation giving the park power of condemnation, should help us solve—"; was the Jenny Lake problem finally solved?

Mr. WINGER. Not altogether.

Mr. PICKETT. Do you know whether or not any of the things referred to helped you in your purchases there?

Mr. WINGER. I do not think so.

Senator NORBECK. The letter you are reading from, that is a quotation from what?

Mr. PICKETT. It is a letter from Fabian to Chorley.

Senator ADAMS. It is a question of law, but I want to ask you if the Wyoming law provides that a person, whose property is to be condemned, is entitled to a jury trial, if he wishes it, under the statutes.

Mr. PICKETT. He would be, under the Wyoming statutes, but this proceeding is governed by Federal statutes, and I think a hearing may be had, if requested by the owner of the property sought to be condemned.

Mr. PICKETT. Was that your understanding, Mr. Winger?

Mr. WINGER. I did not hear you, Mr. Pickett.

Mr. PICKETT. I just stated to Senator Adams that my understanding of the condemnation law, as provided for in the Federal statutes, provides that, if the owner of the land desires, he might request a hearing and the taking of sworn testimony.

Senator ADAMS. It would be before a jury?

Mr. PICKETT. I am sure he would be entitled to a jury, if he requested it. Would you say, Mr. Winger, further in reference to this condemnation proceedings, that your attempts to purchase were in the same manner as they would be in any dealing?

Mr. WINGER. I think so.

Mr. PICKETT. You paid a fair price for all of the property?

Mr. WINGER. Not fair to Mr. Rockefeller.

Mr. PICKETT. I mean, to the seller?

Mr. WINGER. Yes, sir.

Senator ADAMS. You do not think you would employ Rockefeller to buy land for you with his methods of buying?

Mr. WINGER. I am afraid Mr. Rockefeller would never employ me again.

Senator ADAMS. You do not think he is a good real estate buyer?

Mr. WINGER. No; I do not think so.

Mr. PICKETT. There is one other matter I wanted to ask you about, Mr. Winger: You were in Jackson during the summer of 1928, when a committee visited this area from the Senate?

Mr. WINGER. In 1928?

Mr. PICKETT. Yes.

Mr. WINGER. That was in regard to the creation of the Grand Teton National Park?

Mr. PICKETT. Yes.

Mr. WINGER. Was that in 1928?

Mr. PICKETT. Yes; the summer of 1928.

Mr. WINGER. Yes; Senator Ashurst, Senator Nye and Senator Kendrick, I believe, were on that committee.

Senator CAREY. You missed one; wasn't Senator Dale there?

Mr. WINGER. Yes.

Mr. PICKETT. Did you attend the meetings held here at that time?

Mr. WINGER. I attended one meeting here.

Mr. PICKETT. Did you attend a meeting at the JY Ranch?

Mr. WINGER. I did not.

Senator ASHURST. I believe we held that meeting in Jackson over a drug store, on a very windy Sunday afternoon.

Mr. WINGER. Yes.

Senator ASHURST. Were you at that meeting?

Mr. WINGER. Yes.

Senator ASHURST. That was July 22, 1928?

Mr. WINGER. I do not remember the exact date.

Senator ASHURST. Was it on Sunday?

Mr. WINGER. It was Sunday; I remember that.

Senator ASHURST. I know the Senators had serious objection to holding a meeting on Sunday.

Mr. PICKETT. I do not believe I have any further questions.

Chairman NYE. Do the members of the committee have any questions?

Senator CAREY. Now, Mr. Winger, you spoke of your original plan taking the whole of Jackson Hole.

Mr. WINGER. Yes, sir.

Senator CAREY. What was your thought with that as to what would become of Jackson?

Mr. WINGER. The town of Jackson?

Senator CAREY. Yes.

Mr. WINGER. It would be given the same privilege—those who wanted to sell could sell. I cannot recall all of the details of our plan. You know how you do, you get enthusiastic about a thing, and figure out various things that would go along with this plan. I remember one thing we had in that, a keeping of a sort of western atmosphere here. We felt that that was rapidly disappearing from the country and that it would be nice to have something of that kind maintained there.

Senator ADAMS. If I may interrupt, in that plan it is said that the "houses would be of log, and the streets would never be paved, and that Jackson would be a sort of museum on the hoof, native wild live, cattle, humans"—

Mr. WINGER. What is that from? That Jackson would be a museum on the hoof?

Senator ADAMS. Yes.

Mr. WINGER. That cannot be possible, can it?

Senator ADAMS. Wait until I read it to you. It is said here—it is taken from Mr. Albright's letter, "these purchases, if made, it would be easy to extend Yellowstone to include the upper part of the Hole and the Teton Mountains", and then it went on afterwards and said, "some elk could be kept in the valley all summer. The sage grouse would be given absolute protection. Jackson would become again a frontier town. It was hoped that all houses would be of log, and that the streets would never be paved. There would be a museum of the old West there. Each year there would be a celebration when scenes of the fur trade and mining excitements of the early West would be re enacted. There would be a huge rodeo. The celebration would last for days, and everybody would be encour-

aged to dress in the costumes of the pioneer days. South of Jackson cattle ranches would continue to operate illustrating another great and important phase of the development of the West. As Struthers Burt said, the whole thing would be 'a museum on the hoof'—native wild life, cattle, humans, all living again for a brief time each summer the life of the early West with as much of its glamour, romance, and charm as could be reestablished."

Mr. WINGER. Well, I do not think I would have expressed it just like that, but that is the general idea.

Senator CAREY. Would you support a town here?

Mr. WINGER. We felt—you mean, you are talking about the present?

Senator CAREY. No, I mean your plan.

Mr. WINGER. The old original plan?

Senator CAREY. If a person did not sell what would be his means of livelihood here?

Mr. WINGER. That would be for them to determine. If they had a means of livelihood they probably would not want to sell.

Senator CAREY. And if they had not the means they would have to sell?

Mr. WINGER. Yes.

Senator NORBECK. Would not the tourist trade bring in more money than is made locally?

Mr. WINGER. We thought this would come under one of these general plans, and make Jackson Hall one of the best, maybe the greatest, wealth-producing sections of our State. We felt that recreation was a very big business and just coming into its own.

Senator NORBECK. You have that for 3 months of the year?

Mr. WINGER. No, I do not think you could say that.

Senator NORBECK. How many months of the year, would you say?

Mr. WINGER. I think you could say possibly five, not only the dude season, but the hunting season.

Senator NORBECK. That would extend over 7 months, would you say?

Mr. WINGER. I would say from the 1st of June until November 15. Then, we also had ideas that this country could be developed, its attractions, for winter sports, and so on.

Senator NORBECK. You spoke about the financial condition of the cattlemen—is the condition of the dude ranchers any better than the cattlemen today in this valley?

Mr. WINGER. Today?

Senator NORBECK. I think it is a fair comparison today, isn't it?

Mr. WINGER. No.

Senator NORBECK. What do you think would be a fair comparison?

Mr. WINGER. I was speaking, in my testimony, about the condition at that time we put forth this plan.

Senator NORBECK. You mean, you have to look to the future, to the whole future, of this country. Have the dude ranchers as a rule been any more successful than the cattlemen in the valley?

Mr. WINGER. I think possibly they have, up to the time of the depression. I think the depression probably affected the dude ranchers even worse than it did the cattle ranchers, although the cattle ranchers have been very seriously affected by the depression.

Senator NORBECK. The dude ranchers probably owe mortgages, as do many of the cattlemen?

Mr. WINGER. They possibly do; I am not familiar with their condition.

Senator NORBECK. I want to ask you one other question. This afternoon there was some testimony about Mr. Richards' lands, and I believe you bought them.

Mr. WINGER. Homer Richards?

Senator NORBECK. Yes.

Mr. WINGER. Yes, sir.

Senator NORBECK. Mr. Gabbey had a store upon those lands?

Mr. WINGER. Yes.

Senator NORBECK. Did you know that Gabbey owned those buildings when you purchased those lands?

Mr. WINGER. I knew there was an argument about them.

Senator NORBECK. Did you find out who owned the buildings?

Mr. WINGER. I went to Gabbey before I bought the lands. I told him I was dealing for Mr. Richards' homestead, and that Mr. Richards told me that Gabbey had this store on his place there, and he had a right to stay there until, I believe it was, the following spring; I am not sure, it was possibly a year, I do not recall that. And he went on to tell me that he had helped to put up this store and he really was not obligated to Gabbey much. Now, before I did anything about it I went to Gabbey and I told him that I was dealing with Homer Richards for this place, and I said "I am buying all of the improvements on the place; if you have an interest in them I want you to get that settled up with Richards." Gabbey told me that Richards had promised him that when he sold he would ask enough money for that so that he could pay him for his store.

Senator NORBECK. Did he pay him?

Mr. WINGER. I am sure I could not testify to that; I do not think he did, but that is not within my knowledge.

Senator NORBECK. If I am wrong in this question I wish somebody would correct me, but I think Fabian testified that he was advised that these buildings belonged to Richards.

Mr. WINGER. These were things that Richards had told me—I had to take his word for it. Frankly, I had supposed that Gabbey had an interest in this, of course, and I expected that Richards would pay Mr. Gabbey for his interest, and I would not accept the deed from Richards until he agreed to take care of that himself. He came to me then, after we had reached an agreement, and he was about to sign the deed—he came to my house and he argued with me fully 1 hour trying to persuade me that I should pay Mr. Gabbey, and I told him I would not buy his property under those conditions, and he finally signed this warranty deed to us with the understanding he would have to warrant the title and take care of Gabbey's claim.

Senator NORBECK. But you accepted the deed?

Mr. WINGER. Oh, yes.

Senator NORBECK. Didn't you say that you would not accept the deed until he took care of Mr. Gabbey?

Mr. WINGER. No, I did not say that.

Senator NORBECK. Maybe I misunderstood you.

Mr. WINGER. I did not mean to say that.

Senator NORBECK. Mr. Fabian testified that he thought that they bought the improvements, and he wrote some letters to Gabbey to get off the place; did you advise him that you had bought the buildings and that they belonged to you?

Mr. WINGER. Yes, when we bought them.

Senator NORBECK. But you did not know for sure whether they were Gabbey's or Richards'?

Mr. WINGER. I knew there was some argument up here, and I went to Gabbey so he could be fully advised, and Mr. Gabbey told me that Richards had said he would ask enough money for the place, when he sold, so that he could pay him.

Senator NORBECK. Then that would be proof that Gabbey owned the buildings.

Mr. WINGER. I suppose it would.

Senator ASHURST. What did happen? Was Mr. Gabbey paid?

Mr. WINGER. That is a matter between Gabbey and Richards, Richards, according to Gabbey, having agreed to ask enough money for his property so that he could pay him.

Senator ASHURST. Isn't Gabbey present? I shall be willing to hear about this from him.

Senator NORBECK. Wasn't the testimony that the Snake River Land Co. bought the land?

Mr. WINGER. They refused to let him take it away. He notified us that he was going to take it away, and they notified him not to remove it.

Senator NORBECK. And he did not remove it?

Mr. WINGER. He did not remove it, and we never did anything about it.

Senator NORBECK. So, who is hurt?

Senator CAREY. Nobody.

Mr. PICKETT. Mr. Winger, I want to ask you another question: Did you have any one else working with you assisting in the purchasing of any of these properties?

Mr. WINGER. No; I would not say—well, yes; I probably did.

Mr. PICKETT. Who was that?

Mr. WINGER. At various times I used any assistance I could get; I got assistance from various parties.

Mr. PICKETT. Did Mr. and Mrs. Harrison assist you at any times in the purchasing?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Were they paid by the Snake River Land Co.?

Mr. WINGER. I think probably they were, but I am not sure about that now, I do not just recall.

Mr. PICKETT. Were they acting as agents of the Snake River Land Co. assisting you?

Mr. WINGER. They had been assisting before I was in the employ of the Snake River Land Co.

Mr. PICKETT. Do you know who paid them?

Mr. WINGER. I do not recall whether they were ever paid anything by the Snake River Land Co.; I am not sure about that.

Mr. PICKETT. Did they collect from the people who were selling?

Mr. WINGER. I am not sure how their commissions came, I am not sure.

Mr. PICKETT. Now, another question I wanted to ask you, Mr. Winger, is, at the time that these sales were finally closed did you require any of these people to enter into any agreement other than the delivery of the deed?

Mr. WINGER. I think I did, some.

Mr. PICKETT. What was the substance of this, do you know, and the purpose of it?

Mr. WINGER. The purpose was—we bought them out with the understanding—they knew why we were buying them out, to get them out of this territory, and I had them sign an agreement not to use the money we were paying them to locate with within this territory, I think, for a period of 10 years.

Mr. PICKETT. Do you recall whether you required any people, who were engaged in an enterprise, to sign any such agreement?

Mr. WINGER. I do not just get your question.

Mr. PICKETT. Well, were any of the people engaged in dude ranching, and small tourist camps, or any other business?

Mr. WINGER. I really did not keep a record of those I required to sign this agreement, but if I did anything like that I probably did require that kind of agreement.

Mr. PICKETT. All of the people who were purchased from, and who were operating a business, were not given an opportunity to continue?

Mr. WINGER. No; I would not say that.

Mr. PICKETT. What would you say?

Mr. WINGER. You mean, all that I purchased?

Mr. PICKETT. I say, were all of them, or any of them?

Mr. WINGER. Oh, yes; some that I purchased were given the opportunity.

Mr. PICKETT. You selected the ones you wanted to enter into that contract?

Mr. WINGER. No.

Mr. PICKETT. How did you arrive at who should be allowed to stay?

Mr. WINGER. Well, they probably asked me for the privilege, but most of them that I purchased did not want to stay.

Mr. PICKETT. Why did you require them to sign a contract?

Mr. WINGER. They wanted to sell what they had because they were going to get a good price for it, and if they could go some place else and get a piece of property they could probably sell that, and we did not want them to do that.

Mr. PICKETT. Why did you require some to do it and not the others?

Mr. WINGER. I do not think I required that when I first went to work for the company; I think later on I required all of them.

Mr. PICKETT. Whether they were engaged in a business or not?

Mr. WINGER. I think so; I was supposed to, anyway.

Chairman NYE. Was the agreement a part of the contract—was it appended to the contract?

Mr. WINGER. Of purchase?

Chairman NYE. Yes.

Mr. WINGER. No, it was a separate agreement.

Chairman NYE. Running between the one selling the land and yourself, or the land company?

Mr. WINGER. Yes.

Chairman NYE. The land company?

Mr. WINGER. Yes.

Mr. PICKETT. Were those people furnished copies of this contract, do you know?

Mr. WINGER. I do not believe they were.

Mr. PICKETT. Who prepared the contracts?

Mr. WINGER. I do not know. I think that I received them from Mr. Fabian's office.

Mr. PICKETT. You just had them sign one copy—the original?

Mr. WINGER. I think probably that is all.

Mr. PICKETT. Were you instructed to do it that way?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Was the reason given why you should only have one copy signed?

Mr. WINGER. I was not instructed not to have but one copy, no.

Chairman NYE. Did any one ask for a copy?

Mr. WINGER. I do not recall of anyone ever asking for a copy; I know that if they had they would have gotten it.

Chairman NYE. Do you recall of anyone having been denied a copy if they wanted it?

Mr. WINGER. Not to my knowledge.

Mr. PICKETT. Is there anything else you would like to say in connection with this project?

Mr. WINGER. There was one statement made on the stand today, that was just an error in names, by Mr. Fabian that might show up and cause some little trouble in the record at some future date. I do not know what part of his testimony it was, but he made the statement that Miller and I went east to discuss the matter. I never did go east with him to discuss the matter; it was just a slip on his part, I am sure, but it might cause trouble later on.

Mr. PICKETT. You never went east on this matter?

Mr. WINGER. I would not say that.

Mr. PICKETT. But not with Mr. Fabian. I did go east in the spring of 1931 on this proposition. I went back to Washington, I think it was the spring of 1931, or the winter, but I went back to Washington. I called on Senator Carey and Senator Kendrick at that time, and I invited them to come out and go over this project on the ground, and I had at that time considerable data that had been sent back with me in the way of letters and petitions favoring this project, but I did not give it to them, and told them I would not give it to them for the simple reason that I did not think it meant anything, that they could get plenty of that from the other side, but I did invite them to go over the ground and interview the people and form their opinions there.

Senator NORBECK. Among others, did you purchase land from a man that had his wife's grave on it?

Mr. WINGER. No, sir; I do not recall that.

Senator NORBECK. A number of others stated in this controversy, that, in an effort to clear up these tracts here, the company had bought a tract of land, with a gasoline station on it, but the man pleaded, as a matter of sentiment, for the reservation of a little plot where his wife's grave was—he did not want to sell that—and he agreed to quite business and leave the country, and afterwards he put a new gasoline station over his wife's grave.

Mr. WINGER. I think the witness who made that statement was badly misinformed about it, because that is not what it was. This probably refers to Mr. Charley Allen, of Moran, who formerly owned what was, I think, the property Mr. Sheffield sold to the Snake River Land Co. When Mr. Allen sold to Mr. Sheffield, as I recall, he re-

served some 3 acres from his sale to Mr. Sheffield, and this 3 acres contained a cemetery in which some of his relative and others from that neighborhood had been interred, and that in order to protect the sanctity of that plot of ground he reserved it in his sale to Mr. Sheffield, and I believe when the Snake River Land Co. purchased the land from Mr. Sheffield they discovered there was 3 acres that they were not paying for and they asked about it, and Mr. Sheffield explained to them that he had no title to it, that it had been reserved by Mr. Allen, and he explained why it had been reserved, that it was the family burial ground and also contained some other bodies from that neighborhood, and that he had not bothered about or had not questioned Mr. Allen's right to reserve that. So the Snake River Land Co. never had an opportunity to buy that, never was offered that property at all, and they could not have bought from Sheffield as he never had the title to it.

Senator CAREY. Is there a gasoline station there?

Mr. WINGER. Shortly after, I believe, Mr. Allen erected a quick lunch.

Senator NORBECK. On this cemetery?

Mr. WINGER. On that plot of ground.

Senator CAREY. There was certain money deposited to your credit in a bank in Newton, Kans.?

Mr. WINGER. No, that is not right. I cannot tell you who deposited that money now, but there was certain money deposited to my credit in a bank at Newton, Iowa, and it was only in line with part of our original plan, which was arrived at in our meeting in 1923, in which we had pledged absolute secrecy about this whole program, because we were not at all sure that it was feasible and we did not want the hopes of the people built up, who were anxious to sell, and then have it fall through. In order to do that this money was sent there to my credit I think before I started east, I think some \$800, if I am not mistaken—I have the book the bank sent me showing this deposited—but I do not remember who deposited the money, but it will show, probably, whose checks they were.

Chairman NYE. Just one thing more, Mr. Winger; you negotiated successfully, I take it, with approximately 30 owners of land?

Mr. WINGER. It may have been more than that, Senator; I haven't really the slightest idea.

Chairman NYE. We are just approximating it, now?

Mr. WINGER. Yes.

Chairman NYE. Did any of those, from whom you purchased, charge you, during those negotiations, with taking advantage of them or with not dealing fairly with them?

Mr. WINGER. Not at all.

Chairman NYE. Have they complained since that time to you of any advantage that you took?

Mr. WINGER. Not to me.

Chairman NYE. They have not?

Mr. WINGER. No, sir.

Chairman NYE. So far as you were aware the closing of the deal in each case was entirely satisfactory to the owner with whom you were dealing?

Mr. WINGER. As far as purchases were concerned?

Chairman NYE. Yes.

Mr. WINGER. Yes, sir.

Senator CAREY. Have you heard that any of these people have complained?

Mr. WINGER. Yes.

Senator CAREY. There have been complaints?

Mr. WINGER. I have heard of it, I have heard what we know amounts to common community gossip—there is plenty of it here. They come to me and tell me that a certain man is very much dissatisfied, and that he refers to me as a weasel, and other expressions of that kind, and that I was too smart for him and I out-talked him on his sale or he would not have sold, and I am afraid that there is one or two individuals in the community who seemed to make it a point of honor not to sell, even though they were offered more than they thought they could receive.

Senator NORBECK. Some were dissatisfied because you bought from them, and some because you did not have to buy from them; is that the point you are making?

Mr. WINGER. I think the ones dissatisfied are the ones who did not sell.

Chairman NYE. You are still engaged in the purchase of lands?

Mr. WINGER. No, sir.

Chairman NYE. How long has it been since you were engaged in the purchase of land with the Snake River Land Co.?

Mr. WINGER. I am still connected with the Snake River Land Co. in the operation of their ranches, and in the purchase of the land.

Chairman NYE. Some few deals are still pending?

Mr. WINGER. Yes, sir.

Chairman NYE. And the contracts have not been closed yet?

Mr. WINGER. I think I have possibly three deals pending, where the deeds on two of them at least, and possibly three of them, are in escrow.

Chairman NYE. I meant, while Mr. Fabian was on the stand, to develop that more clearly, but perhaps you can offer the information—how much land was originally involved in the project; how much land was to be purchased by the Snake River Land Co.?

Mr. WINGER. I am not at all familiar with the original plans of the Snake River Land Co.

Chairman NYE. Very well. Are there any further questions of Mr. Winger? If not, I am sure I should be unanimously voted down if I suggested the putting of another witness on the stand tonight, and, therefore, I will avoid the embarrassment and we will stand in recess until 10 o'clock tomorrow morning.

Mr. BURT. I never referred or thought of a ranch or town or an individual as a museum on the hoof. That referred entirely to the fact that when we talked this thing over we were to bring buffalo and antelope here, and that expression has been bandied about a great deal, and I would like to explain that. I never intended that to apply to any ranch or town or individual.

Chairman NYE. All right. We will now stand in recess until 10 o'clock tomorrow morning.

(Thereupon, at the hour of 10:30 p.m., the hearing stood in recess.)

INVESTIGATION OF PROPOSED ENLARGEMENT OF THE YELLOWSTONE AND GRAND TETON NATIONAL PARKS

WEDNESDAY, AUGUST 9, 1933

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC LANDS AND SURVEYS,
Jackson, Wyo.

The subcommittee pursuant to adjournment, at 10 a.m., in the American Legion Hall, Jackson, Wyo., Senator Gerald P. Nye presiding.

Present: Senators Nye (chairman), Ashurst, Norbeck, Carey and Adams, also John C. Pickett, counsel for the committee.

Chairman NYE. The committee will be in order. Before proceeding with other witnesses, the chair believes there ought to be a completion of the record, insofar as Mr. Fabian can complete it, clearly indicating just how near to being finished is the project which the Snake River Land Co. set out to accomplish. Mr. Fabian, will you take the stand again, please?

TESTIMONY OF HAROLD P. FABIAN—Resumed

Chairman NYE. Mr. Fabian, at the inception of this general program, how much land was involved in it as calling for investment by the Snake River Land Co.? I mean by that, how much land was involved in the purchases to be made and in the relinquishments?

Mr. FABIAN. I do not think I can answer that question just the way you have asked it, because it changed a little as we went along. We found that some errors had been made and there were some small additions as we went along to round out this line. I can give you the total acreage in this project now and what we have not bought, which I think, added to what is already stated in the pamphlet, will give you the complete picture.

Chairman NYE. If you will give us that information, please.

Mr. FABIAN. There are 7,167.38 acres remaining unpurchased within the boundaries of this project as I have outlined it to you. Of that amount, 3,816.81 acres is land lying east and north from the Ferrin ranch, in what is known as Buffalo Fork.

Senator NORBECK. Does that mean north of the Buffalo River?

Mr. FABIAN. It is on both sides of the Buffalo River. It is in that little valley of the Buffalo. To continue, the remaining 3,350.57 acres is in the main Jackson Hole Valley, within the boundaries of our project.

Senator CAREY. Are you leaving the Mormon Row out of consideration?

Mr. FABIAN. I was just going to tell you about that. These figures I gave you did not include the remaining unpurchased property within the excluded Mormon Row area. That acreage is 7,319 acres. In other words, if the Mormon Row area should be reincluded, there would have to be added to that figure of 7,167.38 acres, which I gave you, this additional figure of 7,319 acres.

Chairman NYE. Now, how much has been purchased?

Mr. FABIAN. There has been purchased 32,423.476 acres.

Senator ADAMS. That last figure appeared in this letter, reading from page 78.

Mr. FABIAN. Yes, sir. In addition to that, the company has purchased relinquishments on 2,087.86 acres, and it has under contract of purchase, pending the clearing of title, 799.06 acres.

Chairman NYE. That is not included within your figure of 7,167 acres still to be purchased?

Mr. FABIAN. No, sir; that is not included. We are treating that as purchased because it is under agreement to purchase.

Senator NORBECK. You bought east of the Mormon Row, did you not?

Mr. FABIAN. We bought some land in the Mormon Row area, but I don't know—

Senator NORBECK. Would the purchase of the remaining 7,300 acres make a compact body with what you already have bought on that side?

Mr. FABIAN. Yes, sir; it would complete Mormon Row.

Senator NORBECK. It would complete that as you have it in mind on the east there?

Mr. FABIAN. It would complete it over to the east, yes, in the Mormon Row section.

Chairman NYE. Now, Mr. Fabian, we have some testimony here concerning the matter of mortgages that were held upon these properties purchased by the Snake River Land Co. Mr. Miller testified, I believe, that something like \$16,000 in mortgages were involved in the purchases that he had made, these mortgages running to himself or to the bank. Do you have any accurate figures revealing just what the extent of the mortgages held by the banks or by this bank or by Mr. Miller was?

Mr. FABIAN. Yes, sir. According to the records, there were \$88,068.04, the amount of mortgages held on purchased lands by either Mr. Miller or the Jackson State Bank.

Senator NORBECK. He testified yesterday he had an interest in only a half dozen tracts.

Mr. FABIAN. You mean that he owned himself?

Senator NORBECK. No; that he had any interest in. Wasn't that his response?

Chairman NYE. It seems to me that was his response.

Mr. FABIAN. I would have to check that up.

Senator NORBECK. Would that be more than half a dozen tracts?

Mr. FABIAN. That would seem to be higher than that, but I would have to get that from the records.

Senator CAREY. Mr. Fabian, when this land was being purchased by Mr. Miller, and the land which he was interested in, did he advise the company of that interest?

Mr. FABIAN. Yes, sir; we knew of that and knew that the purchasing of this land would mean a liquidation of mortgages that might other-

wise be rather slow in liquidating. We were advised fully of that and understood it, and had no objection to it.

Senator NORBECK. But, in view of what has happened since to the agricultural industry and to the other banks, it seems to have been a very fortunate thing for this bank.

Chairman NYE. Are there any other questions.

Mr. PICKETT. I would like to ask Mr. Fabian if that \$88,000 included the mortgages of Mr. Miller upon all of the lands in the project?

Mr. FABIAN. Yes; on all of the lands in the project. That includes the record of all of the mortgages held by either Mr. Miller or the Jackson State Bank on property within this project.

Mr. PICKETT. Have you the figures as to the amount of the mortgages held by Mr. Miller or the Jackson State Bank on the property that he purchased?

Mr. FABIAN. No, I have not; but I think this would be most of it.

Senator CAREY. That would not include any land purchased by Mr. Winger?

Mr. FABIAN. I don't think he purchased any land on which the Jackson State Bank or Mr. Miller had a mortgage, but I am not certain.

Chairman NYE. My recollection is that the record contained information that out of 102 parcels of land, 70 of them were mortgaged. Do you have those figures readily before you?

Mr. FABIAN. I think I put that into the record yesterday. That was on ranch property, that out of 102 pieces of ranch property, 70 were mortgaged.

Senator NORBECK. What do you mean by "ranch property"?

Mr. FABIAN. I mean ranch properties as distinguished from the dude ranches on the west side of the river and properties used for commercial purposes.

Senator NORBECK. You mean cattle ranches and so forth?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Did you mean to say a few minutes ago that by having your purchases include the Mormon Row that that would make a complete area there within the project—that is, that there would be no privately owned land there at all?

Mr. FABIAN. No; if these additional figures that I have given you were all purchased, there would be, as is shown on one of these maps. On the north there would be no private holdings.

Mr. PICKETT. Between the Teton National Park on the west and the Teton National Forest on the east?

Mr. FABIAN. Yes; I think there is one even in the Teton National Forest that we purchased back in the woods there.

Senator CAREY. Last night Mr. Winger was asked the question as to the remuneration he had received from your company, and, while some of the members of the committee may have understood his answer, it was so involved that I do not know just what he received. Can you tell us what he was paid by your company?

Senator ADAMS. He said he worked for nothing.

Mr. FABIAN. Yes; he stated that correctly, for, as far as salary is concerned, he worked for nothing, excepting the compensation, or, rather, the reimbursement for his use of his automobile, to which he testified.

Senator CAREY. He was paid for the use of the automobile?

Mr. FABIAN. Well, he was paid it in the way that we paid the difference between his turning in his old car for a new one. We figured that was about the best way of reimbursement for the expense that he had been put to. But I think the ultimate, the total, compensation that he got up until sometime the latter part of 1931, was \$15,950.

Senator CAREY. And he also sold his land?

Mr. FABIAN. Yes, sir.

Senator CAREY. And he received \$10,000 for that?

Mr. FABIAN. Yes, sir. And from that time on—I have forgotten just the date, but I think it was the latter part of 1931——

Mr. WINGER. It was September 1, 1931.

Mr. FABIAN. Since that time, he has been on a monthly salary basis, and still is.

Senator CAREY. This land that you bought from Mr. Winger, what kind of land was that?

Mr. FABIAN. That is a tract of land along the Snake River, on the east side of the Snake River.

Senator CAREY. On which side of the river?

Mr. FABIAN. On the east side of the river. It is on the river which is known as Dead Man's Bar. The land sets back from the river in terraces. It is timbered land, and is a very scenic location.

Senator CAREY. And your company bought the JY Ranch?

Mr. FABIAN. Yes, sir.

Senator CAREY. What was the price of that ranch?

Mr. FABIAN. \$90,000.

Senator CAREY. How many acres?

Mr. FABIAN. It is a trifle less than 2,000.

Senator CAREY. You made a statement that you thought that all of these mortgages were on land that had been purchased by Mr. Miller. Didn't Mr. Miller have a mortgage on the JY Ranch?

Mr. FABIAN. I think he did have a mortgage; yes.

Senator CAREY. He had a mortgage of \$30,000?

Mr. FABIAN. I think he did.

Senator CAREY. That is all I have.

Chairman NYE. Any other questions?

Mr. PICKETT. I would like to ask Mr. Fabian one question. Was Mr. or Mrs. Harrison employed by you at any time in any capacity in connection with the purchase of any of these lands?

Mr. FABIAN. Not by me that I recall. There was one purchase that was made by Mrs. Harrison, one tract of land from a Mrs. Gebo, for which I gave her as a commission some logs that she wanted for building purposes. They were very good logs and she wanted them, and so I gave them to her. With that exception, I do not recall having employed Mrs. Harrison to purchase any property.

Mr. PICKETT. Do you know whether or not she worked in connection with the purchases?

Mr. FABIAN. She did make some purchases here, and the Snake River Land Co. bought some land that she had bought, and I think she sold some to Mr. Miller and some to Mr. Winger.

Mr. PICKETT. Did she negotiate the deal or did she buy it outright and then sell it to you?

Mr. FABIAN. I know that she bought outright and sold in some instances, but I could not tell you that because I didn't buy it. I do not know of that myself. You had better call on Mr. Miller and Mr. Winger as to that.

Mr. PICKETT. And the only compensation you paid her was these logs?

Mr. FABIAN. That is the only one I recall.

Mr. PICKETT. That is all I have.

Chairman NYE. That is all, Mr. Fabian, unless you have something else.

Mr. FABIAN. There are one or two other matters that were covered yesterday, and while I am here I would like to go into them.

Chairman NYE. Very well.

Mr. FABIAN. The pending entries in that area, I think perhaps it would be well to have a record of them.

Chairman NYE. Yes; you stated yesterday that you would furnish that information. You have got the information now?

Mr. FABIAN. Yes. In that entire area there were 35 pending entries. Twenty one of those have been purchased by the Snake River Land Co. Of course, when I say "purchased", I mean that they have been relinquished to the United States upon our payment or the entryman. Eight of them have been canceled without any contest. Six of them were canceled, I know, because they were simply abandoned. As to the other two, I do not know why they were canceled, but just know that they were canceled. Five of them are patented and are now owned by the entrymen or their assigns and are unpurchased. One of them, the Bob Ferrin entry, is being contested by the General Land Office. The Gabbey pending entry, to the extent of the additional entry, which was filed on after the July 7 withdrawal, we have not carried in our records and it does not appear on our plats. I understand that that is not a matter of contest but that it was not allowed in the first instance.

Senator CAREY. Do you know why it was not allowed?

Mr. FABIAN. No, I do not, Senator. I have seen that record, but I am not familiar with it. I purposely was not familiar with it.

Senator CAREY. There was an adverse report made by the Geological Survey that it was not a grazing homestead, that was the situation. You are acquainted with that land and the land of Mr. Crandall, aren't you?

Mr. FABIAN. I do not know exactly where Mr. Gabbey's land is. I know where his house is, but I do not know where his land is. I am familiar with Mr. Crandall's land.

Senator CAREY. The land is very similar. I cannot quite see the difference.

Mr. FABIAN. They are in the same general location, I know that they are not very far from each other. Now, another point that was brought up yesterday evening, I think, or that has been brought up in the hearing, is in reference to the leases the Snake River Land Co. has made, and also reference has been made to the original policy of keeping dude ranches and summer homes and cattle ranches in that area. When Mr. Webb and I were discussing the project here in Jackson Hole in the fall of 1927, we discussed that, and we believed that in keeping the dude ranches and the summer homes and the cattle ranches in the area, so far as possible, it would keep this place as nearly as possible with the colorfulness that really belongs to it. Of course, the summer home people—what they call in the valley "rich dudes"—have attractive places and are desired by the people in the valley, but I am responsible, I think, myself, for the change in the plan to this extent.

I raised the question that, while it was all very well to have people owning these ranches and homes in the area now—these people were known and their ideals were known, and they accorded with the general idea of the undertaking—nevertheless, these might be alienated, and probably would be alienated, and might be broken up into all kinds of parcels of land, where they would be entirely out of control of those who were ultimately destined or who are destined to handle the project. For instance, a good fine dude ranch was just what everyone wanted, and that is all right today, but if the owner died or if he sold any parcels, you might have all kinds of things on the land afterward. So I suggested that it would carry out the same idea that they had and at the same time control that situation if we were to purchase the fee title and then letting these people have leases back. That was the policy that they decided to apply to the dude ranches and to the summer homes. It was not to the cattle ranches, because we believed that the cattle ranching in the southern part of the valley was prosperous, and that it would be better carried on with the elimination of those in the north part, and we understood that those in the north part, in our area, wanted to sell to us, anyway, and didn't want to keep on running cattle ranches. However, we have made several leases, but neither Mr. Miller nor Mr. Winger nor myself would be authorized to make a lease for longer than 1 year without express authority from Mr. Chorley or Mr. Webb. In addition to the leases that have been mentioned, we made a lease for 5 years, I think it was, which was the term that was asked for, to the owner of the Trail Ranch, which was a dude ranch. He operated it for 2 years, I think, and at the end of that time came to me and asked me if I would not release him, as he said he could not make it succeed. Some negotiations were conducted with the Half Moon Ranch, Mr. Corpey, but no agreement was reached as to the purchase of the property and it was not purchased, but these negotiations included a lease if they wanted it. The same thing took place with the White Grass Ranch, Mr. Hammond. Negotiations were carried on for the purchase of this property, and it was concluded, but the discussion likewise included a lease on the ranch.

Senator NORBECK. Is that White Grass Ranch in the Teton National Forest?

Mr. FABIAN. Yes, sir. There were one or two leases given to people who owned their property, and we just had to give them leases to buy their properties. One man asked for a 10-year lease on a small tract in his property for a home, and one lady there, I think, has a 5-year lease. I wanted to explain the purpose of that leasing, particularly to the dude ranches and the summer homes, how that came about. There is another point that was mentioned yesterday, and that is the requesting of contracts from people from whom we purchased that they would not purchase again within our area. We did not do that at first, but we learned as we went along, as there were several instances where we purchased properties and the people took that money and went back into our area and bought somebody else's property and then we had to pay them a profit on that land, and we thought we were entirely within reason and simply protecting ourselves to request that these people give us contracts that they would not purchase within the limits of our area.

Senator NORBECK. When you bought them out the first time, you didn't think you should have to buy them out the second time?

Mr. FABIAN. No, sir; not after we had made the first purchase from them.

Senator NORBECK. But some of them would like to have done it the third time, wouldn't they?

Mr. FABIAN. I don't know.

Senator CAREY. How many of those contracts did you have?

Mr. FABIAN. This really was caused by a man named Erickson, who was an attorney here, who bought three or four places. He had a place of about 600 acres along the river, and he bought a place from a man named Altenreid, and he got a place that he foreclosed on a man named Topping, and he bought another place from a man named Greenwood. I think that was the thing that prompted us to do something to protect ourselves. There was another piece of property that I talked about up in the Forest Reserve owned by a man named Webb, which was purchased and resold to us. Mr. Webb took that money, the purchase price, which I think was around four or five thousand dollars, and went over in our area and built himself a very fine house, and we later had to pay him \$12,000 for it. These contracts, however, apply only to our own area, that they would not purchase within our own area, which was described by townships, and they ran for a period of 10 years.

Senator CAREY. Have you had any contract with the people in your employ or connected with the company that they should not buy lands for themselves in this area?

Mr. FABIAN. I don't think so. I don't think that we ever had any need of that. I know that they wouldn't do it.

Senator CAREY. Are you sure that none of your attorneys have ever acquired any land in the area that you were trying to purchase?

Mr. FABIAN. Are you referring to Mr. Neilson?

Senator CAREY. I had that in mind, yes.

Mr. FABIAN. Mr. Neilson acquired two pieces of property that I know of, the titles of which were quite involved, and he acquired them and cleared up the titles and sold them to us.

Senator CAREY. While acting as your attorney?

Mr. FABIAN. Yes. Mr. Neilson acted as our attorney here sometime in 1929, until he purchased the Courier. When he purchased the Courier we terminated that relationship.

Mr. PICKETT. I would like to ask the witness a few questions, Mr. Chairman.

Chairman NYE. Very well.

Examination by Mr. PICKETT:

Mr. PICKETT. Mr. Fabian, you mentioned the cattle ranches in the southern part of the valley. I will ask you, referring to the map of the Jackson Hole country that I have here, that contains substantially all of the privately owned lands in Teton County, doesn't it?

Mr. FABIAN. What they call the Jackson Hole?

Mr. PICKETT. Yes.

Mr. FABIAN. I think it does, yes.

Mr. PICKETT. The rest is forest reserve?

Mr. FABIAN. I think that is right.

Mr. PICKETT. What portion of it—in acres, Mr. Fabian, can you give us approximately the percentage of the privately owned lands you purchased of all of the privately owned lands in the county?

Mr. FABIAN. No; I do not know that. I anticipated somebody was going to look that up. Wasn't somebody going to look that up?

Chairman NYE. Yes; we are going to have that information from the proper county officials.

Mr. NEILSON. Mr. Chairman, the treasurer and the assessor are working on that, but they will not be able to get it completed until this evening.

Chairman NYE. All right. Thank you, Mr. Neilson.

Mr. PICKETT. You referred to the cattle ranches in the southern part of the valley. If this project of yours was eventually taken over by the Government, and Senator Ashurst might be right in his statement that it was somewhat fantastic to think that the Government would pay the taxes, all of the taxes for the county government and the maintenance of the schools, and so forth, would revert to these ranches in the southern part of this valley, isn't that true?

Mr. FABIAN. Those ranches would receive every benefit from the assessable values that were down there, and for that reason I think it is fair to provide all of the taxation.

Mr. PICKETT. Do you know whether or not there are any school-bond issues in this county?

Mr. FABIAN. I think there is.

Mr. PICKETT. Do you know the amount?

Mr. FABIAN. No; I do not.

Mr. PICKETT. Now, in connection with these pending entries, did you make a trip to Washington in connection with those, Mr. Fabian?

Mr. FABIAN. No.

Mr. PICKETT. Did you call upon the Commissioner of the General Land Office while you were in Washington in regard to them?

Mr. FABIAN. Yes. I think I testified to that.

Mr. PICKETT. What was the purpose of that call, and did you arrive at any agreement there concerning these pending entries?

Mr. FABIAN. The purpose of the call—I was in Washington and I knew Commissioner Spry—he was the Governor of Utah formerly—and I went into see him, and I told him that Mr. Webb would—I don't know whether I told him Mr. Webb would come over or not, but I told him what we were doing here, and that a request was to be made to have an inspector sent out to inspect all of these pending entries, to investigate them. The conversation I had with him was quite informal. Whatever was done subsequently about that was done at Mr. Webb's request, as I understand it, as I think he made a trip over there shortly afterward for that purpose.

Mr. PICKETT. Governor Spry was a personal friend of yours?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. And you informed him that Webb was coming over there for that purpose?

Mr. FABIAN. I do not know that I told him that Mr. Webb was coming, but I told him that it would be requested.

Mr. PICKETT. Was there any understanding between you and him as to the holding up of patents in this particular area, the issuance of patents?

Mr. FABIAN. No.

Mr. PICKETT. Do you know whether or not there was any such understanding later?

Mr. FABIAN. Why, I don't think so. Everything that was done with the Land Office was done by Mr. Webb.

Mr. PICKETT. Do you recall receiving any copies of correspondence in connection with that?

Mr. FABIAN. Not to that effect that you mentioned.

Mr. PICKETT. What do you recall in connection with that?

Mr. FABIAN. I do not recall anything any more than I testified to, that they wanted these pending entries all investigated.

Mr. PICKETT. In connection with these contracts that you took from people selling you, have you the originals of those contracts with you?

Mr. FABIAN. I think we have them. We have them in the files, because they are filed with the title papers to each property.

Mr. PICKETT. Did you prepare those contracts?

Mr. FABIAN. I prepared them, and I think I submitted them to Mr. Webb for his approval. As I recall it, this was initiated at the request—I believe it was Colonel Woods, who said that we had better do something to protect ourselves on these repurchases.

Mr. PICKETT. Were these contracts taken from all the sellers?

Mr. FABIAN. I don't know whether they were or not.

Mr. PICKETT. What were your instructions?

Mr. FABIAN. We wanted them from all, but if some individual whom we thought was not going to repurchase, because of his interest or something else, refused to sign it, I don't think we ever refused to purchase on that account.

Senator ADAMS. Did you have your contracts reduced to a printed form for convenience?

Mr. FABIAN. I do not think they were printed. I sent the form up to Mr. Winger and I think Mr. Winger had some of them typed. It was a form contract, made as a part of the purchase of the land, part of the transaction of purchasing the land.

Mr. PICKETT. In the JY purchase, do you know whether or not such a contract was entered into with Mr. Stewart?

Mr. FABIAN. I do not. I never heard of it. That was done between Mr. Chorley and Mr. Webb and Mr. Stewart in New York.

Mr. PICKETT. In any event, he did not retain possession of the ranch?

Mr. FABIAN. No; he didn't want to.

Mr. PICKETT. That is one of the best-equipped dude ranches in the valley, is it not?

Mr. FABIAN. I think so.

Mr. PICKETT. And probably the outstanding dude ranch in the valley?

Mr. FABIAN. It is one of them.

Mr. PICKETT. Have you a copy of the contract entered into between your company and a woman by the name of Rosa Brown with you?

Mr. FABIAN. Which agreement—the agreement not to purchase, you mean?

Mr. PICKETT. Yes.

Mr. FABIAN. I have got it here. I can get it for you.

Mr. PICKETT. I will ask you to produce it a little later.

Mr. FABIAN. All right.

Mr. PICKETT. You commenced a suit on that property, Mr. Fabian, which, I believe, involved principally a simple matter of ejectment?

Mr. FABIAN. Yes, sir.

Mr. PICKETT. Will you explain why that suit was commenced in the Federal court?

Mr. FABIAN. Yes, sir. It was to avoid any local matters coming in as subsequently did come into it.

Mr. PICKETT. You testified yesterday that you believed that 95 percent of the people here favor your project in some form or other?

Senator NORBECK. I didn't hear any such statement. I wish to know if any other member of the committee heard any such statement.

Mr. PICKETT. If he didn't say it, he can say that he didn't.

Mr. FABIAN. Whatever I said is in the record there.

Mr. PICKETT. I think your testimony was that a large percentage of the people were in favor of the project going into some form of governmental control.

Mr. FABIAN. I doubt if I said it was 95 percent. There has been a very vociferous and violent, small opposition to us. However, as I say, I do not believe I mentioned 95 percent, because I do not know that I have any way of figuring that.

Mr. PICKETT. That suit was commenced in Cheyenne?

Mr. FABIAN. In the Federal court; yes, sir.

Mr. PICKETT. I think that is all.

Senator ADAMS. Just as a matter of inquiry, by what right are occupants upon these withdrawn lands? On these maps there are certain areas withdrawn from settlement, and simply in my rambling around here in an automobile it seems to me that some of those withdrawn lands are occupied. What is the character of that occupancy?

Mr. FABIAN. I can give you one example of that. Up here on the highway about 2 miles this side of the ferry bridge, Mrs. Rosa Brown had been operating or had these cabins on property that we had there on the west side of the road, and while she agreed not to put them in our area again, she moved right across the road to the east on, so I am advised, a placer mining location. Now, you will understand that I cannot give you any of the details, but I am just giving you what I have been told, but there are a number of placer mining locations that have been located around, according to my information. Otherwise, I suppose they are just occupants of the unappropriated public domain.

Senator CAREY. There are some people in there that have not sold?

Mr. FABIAN. Oh, yes.

Senator ADAMS. But, I gather here on this map, these stretches in here that were withdrawn from entry, that there are some tracts in there that are being occupied. For instance, on the road down here, on this little stream, it seems to me that some of those tracts down there were included in the withdrawal, but they are occupied.

Senator CAREY. There are a number of places that were sold that the people are still occupying. That is deeded land as well as Government land in there.

Mr. FABIAN. I was just handed a note by Mr. Spaulding, which I think is correct. I said there was a \$30,000 mortgage held by Mr. Miller or the Jackson State Bank on the JY Ranch. That was the record. That represented six notes of \$5,000 each, but only four of those notes were outstanding, so that should be 20,000 instead of 30,000 dollars.

Chairman NYE. Is that all that the members of the committee have? Thank you, Mr. Fabian, unless you have further information you think would be of value in this record.

Mr. FABIAN. I have another note which says, "Make it clear that mortgages were released on our lands." These mortgages were released at the time we purchased the lands. That is what is meant by that.

Mr. PICKETT. Just one question in connection with these mortgages. Do you know whether or not the same condition existed, as to the amount of the mortgage as of record, as it did with the JY Ranch?

Mr. FABIAN. Yes; I think those mortgages shown on the records were all unpaid mortgages, and they were paid.

Mr. PICKETT. Do you know how much money was actually owed to Mr. Miller? The \$88,000 that you mentioned would include the \$30,000 mortgage on the JY Ranch, and now it appears that was only \$20,000 that was due?

Mr. FABIAN. Yes.

Mr. PICKETT. Do you know whether or not that condition existed in any of the others?

Mr. FABIAN. I don't know.

Chairman NYE. If there is nothing further, that is all, then, Mr. Fabian. Thank you.

(Whereupon, the witness was excused.)

Mr. MILLER. May I be recalled a minute, Mr. Chairman?

Chairman NYE. Yes; we shall be glad to recall you again, Mr. Miller. Just come forward to the witness chair.

TESTIMONY OF ROBERT E. MILLER—Resumed

Chairman NYE. What is it that you would like to state, Mr. Miller?

Mr. MILLER. I would like to state first that the question of the 10,000 that we were discussing at that time, the Mormon Row area—I made a statement that there was approximately \$10,000. I was referring to the land in the Mormon Row, and that was approximately 5 percent of the valuations of the Mormon Row area, and I still repeat that, that there was approximately \$10,000 there.

Chairman NYE. In that particular area?

Mr. MILLER. Yes; in Mormon Row, and that is what we were discussing. Now, I will say relative to the JY, that loan was made after I had started my connection with the Snake River Land Co., and was not included in the purchased area at that time. That cuts it down to 48,000. I will be glad to submit a sworn statement of my mortgages in that area at that time and up until now.

Senator ADAMS. I am unable to see what relevancy this mortgage matter has to this investigation now.

Mr. MILLER. I only want the truth told before this committee.

Senator NORBECK. Then Mr. Fabian's statement is correct?

Mr. MILLER. I had no reference to the whole project.

Senator ADAMS. Mr. Fabian said that he understood that, and everything was thoroughly understood, I believe.

Mr. FABIAN. Yes, sir; that is correct.

Mr. MILLER. I just wanted to correct that statement going out to the public, because I was under oath when I made that statement, and I make it again.

Chairman NYE. Mr. Miller, associated with you in that bank operation are a number of men?

Mr. MILLER. Yes, sir.

Chairman NYE. Do any of those hold any mortgages up in that country?

Mr. MILLER. I don't recall any.

Chairman NYE. All right. Thank you, Mr. Miller.

(Whereupon, the witness was excused.)

TESTIMONY OF WILLIAM C. DELONEY

(Examination by Mr. PICKETT:)

Mr. PICKETT. State your full name, please?

Mr. DELONEY. William C. Deloney.

Mr. PICKETT. You reside here in Jackson?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. How long have you been here, Senator?

Mr. DELONEY. I first came into the valley in 1900, and remained here a matter of about 18 months, I believe. I left here and came back, I think, in about 1910.

Mr. PICKETT. And have been here since that time?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. You have taken an active part in the civic affairs of the community?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. And have served for how many years in the Wyoming State Legislature in one branch or the other?

Mr. DELONEY. Well, I was first elected to the house of representatives in 1913. I missed two terms since then; the past term I was in the State senate.

Mr. PICKETT. You are now State senator?

Mr. DELONEY. A hold-over senator, yes.

Mr. PICKETT. In the early part of 1927 were you a member of the Elk Commission?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. In what capacity were you acting upon that Elk Commission?

Mr. DELONEY. The personal representative of Governor Emerson.

Mr. PICKETT. Appointed by the Governor?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. Did you attend a meeting of that Commission in Washington in February 1927?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. Do you recall who was present—what others were present—from the State of Wyoming?

Mr. DELONEY. Mr. Miller, as a member of the Commission, Mr. Nelson of the Biological Survey, and Mr. A. C. McCain.

Mr. PICKETT. Do you recall whether or not Mr. Albright attended that meeting?

Mr. DELONEY. Yes, sir; he did.

Mr. PICKETT. He was a member of the Commission?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. At that meeting was the question of the withdrawal of public lands, in aid of or for the purpose of an elk refuge, discussed?

Mr. DELONEY. It was; yes, sir.

Mr. PICKETT. And you were there following the instructions of the Governor of Wyoming?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. And what were those instructions, relative to withdrawals?

Mr. DELONEY. The instructions, as given to me by Governor Emerson at that time, was prefaced with the statement that he did not know what it was all about—that he felt that the calling of this Commission was unnecessary and that it was interfering with matters that was the business of the State of Wyoming. However, inasmuch as he had been shown the courtesy of being asked to appoint a personal representative, he was going to send me there, but his instructions were very indefinite any further than to cooperate with them, both give and take advice, but that he was not in favor of any further withdrawals except what, in our judgment, were necessary to round out some definite program.

Mr. PICKETT. And did you finally reach that agreement in the Commission?

Mr. DELONEY. We did, after I threatened to walk out and refused to have anything further to do with the Commission; yes, sir. At that meeting there was the first move made by the Forest Service that set me in conflict with that department at all. Mr. Rachford, representing that department, introduced a resolution by attempting to place the Commission on record as favoring the establishing of a Federal game preserve, extending from the Teton National Park over to connect up with the present Biological holdings. There was a subcommittee appointed to work on these resolutions, of which I was a member, and I believe Mr. Miller was also a member, and Mr. Albright, and I warned them that night what my action would be if they tried to bring the matter before the Commission. It was brought before the Commission the next afternoon. I asked Miller if he would not help me oppose it, that I did not care to be too prominent because I felt I held the whip hand over the proceedings. Miller opposed it in this manner—that the lines were indefinite, and that until such time as they would be surveyed he would advise that they would delay action. Seeing the nature of the support I had I then took the positive stand that they would either withdraw from that resolution and drop it, or I would walk out and have nothing further to do with the proceedings, and would refuse the signature of the Governor of the State to any of their recommendations. I went to the telegraph office and informed the Governor of what I had done, and he wired back "stand pat."

Mr. PICKETT. As a result of that did you finally reach an agreement in that Commission as to what lands should be withdrawn?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. Had the Winter bill been introduced at that time?

Mr. DELONEY. It had not; no, sir.

Mr. PICKETT. Was the Winter bill later introduced to carry out the purposes of that agreement?

Mr. DELONEY. Absolutely not; no, sir. Let me make an explanation, Mr. Pickett, in reference to the Winter bill.

Mr. PICKETT. All right.

Mr. DELONEY. The commission recommended at that time that there be an advisory board appointed, one from the Biological Survey, one from the Forestry Department, and a representative of the Governor, and this advisory board was to get together and make their recommendations. Mr. McCain, Mr. Nelson, and myself comprised

that board. In the meantime, Mr. Miller had left, and there was some rumors about something that was going to happen. We met and we drew out the proposed lines of the lands that were to be purchased, recommended to be purchased, by the Federal Government for the enlargement of that project. We had already recommended the withdrawal of the public domain lying adjacent to this proposed area, some portions of which were within those lines. This was to provide a protected area. The Winter bill, as introduced, did not conform to the recommendations of this advisory board at all, and who advised Mr. Winter along those lines I do not know. It was done contrary to the recommendation of the commission, and it was done contrary to the recommendations of the advisory board.

Mr. PICKETT. Was the agreement as to the amount of withdrawal at that meeting deemed sufficient to properly take care of the elk herd?

Mr. DELONEY. To round out that project; yes, sir.

Mr. PICKETT. What was the size of the elk herd at that time?

Mr. DELONEY. That was a matter of controversy, nobody knows. I believe the game department estimated along about 19,000 at that time; it was disputed on all sides.

Mr. PICKETT. Did the commission agree on what they thought the herd ought to be?

Mr. DELONEY. Yes, they set the number, at 20,000.

Mr. PICKETT. They agreed that this particular withdrawal would take care of that number?

Mr. DELONEY. No.

Mr. PICKETT. I mean, the one you agreed to there, the withdrawal?

Mr. DELONEY. No, sir.

Mr. PICKETT. What was the understanding?

Mr. DELONEY. We went there to try and work out some proposition whereby an adequate supply of winter feed might be provided for the elk. We had been confronted with the problem year after year of this excessive starvation, losses through starvation, and we did work out what we thought at that time would take care of those conditions as they existed then. Since then there has been many other conditions arise that give it an entirely different picture.

Mr. PICKETT. I am questioning relative to the care of the elk herd, Senator; did you state the number of acres they recommended withdrawing?

Mr. DELONEY. No, I think it was approximately 12,000 acres; that is, in the Dry Hill territory.

Senator NORBECK. In order to refresh your memory, here is the report, in which they recommended, in order to maintain the herd at 20,000 head, approximately 11,000 acres, costing approximately \$225,000, and to be added to the Federal game refuge.

Mr. DELONEY. That was the recommendation there, but I do not know where the \$225,000 came from. Any man in the world knows it would take more than that to buy that Dry Hill territory.

Senator NORBECK. That is the report.

Mr. DELONEY. That is the report, but do not go too much on it.

Senator NORBECK. Does the Winter bill provide for a larger or smaller unit than the recommendation?

Mr. DELONEY. The Winter bill was principally to include the Pettison land over on the hill here, that I opposed the purchase of.

Senator NORBECK. What you recommended has less than the Winter bill had in it?

Mr. DELONEY. Yes.

Chairman NYE. How much less?

Mr. DELONEY. It is impossible for me to state, because I have never studied the Winter bill.

Chairman NYE. The Winter bill provided not in excess of 12,000 acres, and then described the area in which that 12,000 acres should lie.

Mr. DELONEY. The lands did not agree with the lines advised by the advisory board.

Mr. PICKETT. The advisory board felt that was sufficient to take care of the elk herd?

Mr. DELONEY. It felt it was sufficient to round out that project.

Mr. PICKETT. That is what I mean.

Mr. DELONEY. Yes, sir; round out that project of itself.

Mr. PICKETT. Is any of the land that the advisory board recommended included within the area of the Snake River Land Co. project?

Mr. DELONEY. I could not tell you as to that.

Senator CAREY. Was an advisory board ever appointed?

Mr. DELONEY. Yes, sir; the advisory board was appointed by Governor Emerson; at any rate, I received my appointment.

Senator CAREY. From Governor Emerson?

Mr. DELONEY. Yes.

Senator CAREY. And you took action?

Mr. DELONEY. Yes, sir.

Senator NORBECK. You stated that the Winter bill did not harmonize with either the recommendation of the Elk Commission or the advisory board; were those two recommendations in harmony with each other, or were they different also?

Mr. DELONEY. The Elk Commission made its recommendation, but it was so indefinite that they were asked to come out on more definite lines on what lands they really wanted purchased, and that recommendation was made through this advisory board and they traced out that area.

Senator NORBECK. What percent of the southern elk herd winter here in the valley right around Jackson?

Mr. DELONEY. I would say about 85 percent of it.

Senator NORBECK. And the other 15 percent—

Mr. DELONEY. Just a moment. In an ordinary winter, if the winter is not too severe, there is a greater percent goes up on the Gros Ventre.

Senator NORBECK. The Gros Ventre furnishes winter range in the ordinary winter for them; is that it?

Mr. DELONEY. Yes, sir.

Senator NORBECK. But it is not large enough to support the whole herd?

Mr. DELONEY. Absolutely not; it is a death trap if the time comes when they are there in a severe winter.

Mr. PICKETT. Was there a withdrawal made to carry out the plans of the Elk Commission?

Mr. DELONEY. Yes, sir; I think it was.

Mr. PICKETT. And that was in April of 1927?

Mr. DELONEY. I think that was the first withdrawal; yes, sir.

Mr. PICKETT. Did that withdrawal conform to the plans of the Elk Commission, or to your advisory committee, or to the Winter bill?

Mr. DELONEY. I think that it conformed to the plans of the Commission, yes, sir; the advisory committee did not go into the withdrawal question at all.

Mr. PICKETT. Now, that withdrawal was made on April 15, 1927; on July 7, 1927, there was another withdrawal, and was that withdrawal discussed at the Elk Commission meeting, do you know?

Mr. DELONEY. That was this greater withdrawal?

Mr. PICKETT. Yes.

Mr. DELONEY. No, sir.

Mr. PICKETT. That withdrawal was not in connection with the Elk Commission at all?

Mr. DELONEY. No, sir; that is no recommendation of the Elk Commission. Of course the individual members of that Commission spoke in reference to matters of that kind, but I question very much whether it was even made a part of the record.

Mr. PICKETT. Was the larger withdrawal discussed in connection with an elk refuge?

Mr. DELONEY. No, sir; except, as I say, individuals may have discussed it, but it never became a part of the record.

Mr. PICKETT. When did you first get knowledge of the larger withdrawal?

Mr. DELONEY. Well, I think that was some time in July that we heard such a withdrawal had been ordered. I immediately entered into correspondence with our congressional delegation, with our Governor, and with the president of the Elk Commission, protesting against any such withdrawal as that being made.

Senator ADAMS. Mr. Deloney, I wonder if you could help straighten out at least one member of this committee on the membership of these various commissions. Every once in a while you refer to the Elk Commission—there seems to be a number of commissions. You have your Elk Commission, and Governor Emerson had a commission, and apparently there was a Presidential commission, and I find in this little pamphlet a letter signed by yourself. Can you tell me just what commissions have been appointed that have gone into this matter?

Mr. DELONEY. The only commission I know anything about was the Elk Commission, and that was called by the President's Outdoor Recreational Committee.

Senator ADAMS. That is the same commission that was appointed by the President's Outdoor Recreational Committee?

Mr. DELONEY. Yes, sir; that is how it was formed, the Governor being invited to appoint a personal representative, Mr. Miller being selected as a representative of the cattlemen in this valley, and I do not believe Mr. McCain and Mr. Nelson had an official part on that commission except being there representing their work in this country, and giving information, more than likely, for the benefit of their chiefs who were members of the Commission.

Senator ADAMS. This Jackson Hole plan, which was submitted by yourself and others, or the group of you, was it an organized group or simply one that you worked out yourselves?

Mr. DELONEY. One we worked out ourselves; yes, sir.

Senator ADAMS. I was trying to sort out these things in my own mind.

Mr. DELONEY. Yes, sir.

Mr. PICKETT. Who was chairman of the Elk Commission, Mr. Deloney?

Mr. DELONEY. Mr. Sheldon.

Mr. PICKETT. And who was secretary?

Mr. DELONEY. Why, I cannot recall his name.

Mr. PICKETT. Mr. Ringland?

Mr. DELONEY. Yes; Arthur Ringland.

Mr. PICKETT. Did you receive a copy of a letter written by Arthur Ringland to Mr. Henderson, Assistant Director of the Biological Survey, in connection with this matter?

Mr. DELONEY. I don't know; I probably did. If I did, I haven't got it and cannot recall the contents. If you have one I can recall it from memory.

Mr. PICKETT. I have one that I will ask to have introduced into the record. Was there anything done, Senator Deloney, to carry out the recommendation of the elk commission after its meeting in 1927?

Mr. DELONEY. I do not know of a thing, except the appointing of this advisory board.

Chairman NYE. Whose advice was not taken?

Mr. DELANEY. Whose advice most decidedly was not taken.

Mr. PICKETT. Was there anything done, do you know, to carry out the provisions or the purposes of the withdrawal of April 15, 1927?

Mr. DELONEY. In what way do you mean?

Mr. PICKETT. I mean, to complete that legislation.

Mr. DELONEY. I do not believe it was ever made, but, if it was, I do not know anything about it ever having been done as a permanent move. Whether there has been ever any act of Congress definitely setting it aside I could not tell you.

Mr. PICKETT. Do you know whether or not this large withdrawal had anything to do with that—had any effect on the action of the Commission?

Mr. DELONEY. I do not believe I can answer that question, whether this big withdrawal had any effect on that——

Mr. PICKETT. If you do not know, that is all right.

Mr. DELONEY. No, I cannot tell you.

Mr. PICKETT. I have a letter here taken from the Park Service, file 610-01, part 1, from Mr. Ringland as secretary of the elk commission to W. C. Henderson, Acting Chief of the Biological Survey. I do not care to read it, but would like to have him explain it.

Chairman NYE. Do you want to refer to it at this time?

AUGUST 1, 1927.

MY DEAR MR. HENDERSON. I was astonished when you telephoned me if I knew of the Presidential proclamation of July 7, withdrawing 23,617 acres of public lands within 11 townships in and near Jackson Hole for the protection of elk. I immediately made inquiry at the Interior Department and had a talk with national park officials and with the Acting Secretary of the Interior Department; Judge Finney. It seems that this land was withdrawn at the suggestion of a Mr. Chorley, of New York, representing a group interested in a plan to purchase lands in Jackson Hole and vicinity to conserve the elk. The withdrawal was necessary, in their judgment, to maintain the integrity of the purchase area.

I explained to the Secretary that I feared this blanket withdrawal would prove embarrassing for the reason that the same lands in question were under considera-

tion during the sessions of the Elk Commission. At that time Mr. Deloney, representing Governor Emerson of Wyoming, emphatically protested against the withdrawal of any lands except those absolutely necessary to maintain the herd at a provisional level of 20,000 head. After some discussion the Commission unanimously agreed not to recommend the withdrawal of any land outside of the valley but to confine its recommendation to lands immediately adjoining the present Biological Survey refuge and the Izaak Walton League refuge. With this restricted action Mr. Deloney was in full accord. At the same time it was agreed that the purchase of 9,000 acres of private lands to block up this withdrawal with the two refuges should be undertaken by the introduction of legislation at the coming session of Congress. To make possible the eventual fulfillment of this plan of purchase immediate action was taken through Miss Herbert, a member of the Commission and representing the General Land Office, and the public lands involved were withdrawn by the President.

Judge Finney says that in the conference with Secretary Work when action was taken on the withdrawal of July 7 no reference was made to the plans and action taken by the Elk Commission and of these plans he had not been informed. I pointed out that this working at cross purposes was apt to cause considerable embarrassment; that indeed in the eyes of Mr. Deloney and others there would appear to be a breach of faith and that consequently there was danger that the recommendations of the Commission, which are largely dependent upon the cooperation of the State of Wyoming for success, would be jeopardized. I also pointed out that the local people of Wyoming and their representatives have taken a decided stand against the further withdrawal of public lands and that the withdrawal of July 7 might even jeopardize the proposal to add the Grand Tetons to the Yellowstone Park. Secretary Finney appreciated these points and regretted that they were not taken into consideration, as no doubt they would have been had the information been made available. The Secretary made it plain that the withdrawal represents no commitment on the part of the Interior Department but merely a temporary action.

In discussing the matter further with officials of the Park Service it was pointed out by them that the Park Service was not responsible for the withdrawal. That is the first matter to get straight. However, they are under the impression that Mr. Redington and Colonel Greeley have been familiar with the plan and apparently were not opposed to it. This is very confusing to me because I received quite the contrary impression in my conversations with both of these officials. Moreover, it seems strange that this action should have been taken without the official concurrence of the Biological Survey since if the withdrawal is made permanent for purposes of elk protection I assume the administration of the lands would be a responsibility of this Bureau. Then again Mr. Barnes was the official representative of the Forest Service on the Elk Commission and Mr. Goldman represented the Biological Survey, and they approved the recommendations of the commission, so it is assumed that they acted for each of these Bureaus. If this is so, it is difficult to reconcile an approval of a plan on the part of their respective chiefs that is wholly outside of that recommended by the commission and more particularly since the commission rejected the suggestion that lands outside of the valley be withdrawn.

I do not know what can be done about the matter but I do believe the proposition of the Elk Commission, the Forest Service, and the Biological Survey should be made clear. I thought it was clear to me at the time I talked with Colonel Greeley and Mr. Redington. It had come to me that a plan was under foot to make extensive private purchases of land in the Jackson Hole region for elk protection and this was known also to Colonel Greeley and Mr. Redington. It was their feeling, as I understood it, that if private funds were available purchase should be directed to the land recommended by the commission, but I did not in any way get the impression that they favored an independent plan or the purchase or withdrawal of lands not recommended by the commission. Wholly aside from a possible unfortunate political repercussion in Wyoming an extensive purchase of lands might well defeat the principle of game administration which the Elk Commission is trying to establish.

It would seem that in justice to the Elk Commission, including the representative of Governor Emerson, an explanation of some sort should be made. Had I known of the withdrawal of July 7 I would have recommended to the Elk Commission that publication of our report and recommendations be withheld until this working at cross purposes could be straightened out. As the matter stands now the Elk Commission is placed in an untenable position before the conservation organizations which it professes to represent and before the people of Wyo-

ming. The recommendations in our report were made after a careful study of the economic, biological, and political factors involved and it was agreed to work out a plan of game administration (now wholly lacking) based upon the provisional maintenance of an elk herd of 20,000 head.

The whole affair is inexplicable to me and disturbing. For years an effort has been made to reach an agreement on plans for the conservation of the Jackson Hole herd. When the commission concluded its work and for the first time brought together all interests, there was every reason to believe that a plan for concerted action had been devised. The fact that this committee was at work has been widely advertised. Invitations to participate were broadcast. Now comes an independent movement which might prove not only ineffective itself (for political and biological reasons) but destructive of the one which the Elk Commission has agreed upon as a whole. It may well be that the wide-sweeping plan of purchase now under consideration is better than that proposed by the Elk Commission. That is a matter of opinion. But what should admit of no doubt is the necessity for working together to reach a common objective. It is most unfortunate that there has been an apparent lack of coordination with the body specifically set up to make coordination possible.

I am sending a copy of this letter to Secretary Finney, Mr. Demaray, Colonel Greeley, Mr. Hamlin, and Mr. Sheldon, chairman of the Elk Commission. Presumably you will bring this letter to Mr. Redington's attention on his return to Washington.

Very sincerely yours,

ARTHUR RINGLAND, *Secretary.*

Mr. W. C. HENDERSON,
*Acting Chief, United States Biological Survey,
Washington, D.C.*

Mr. PICKETT. No.

Chairman NYE. Then let Senator Norbeck review it and you can renew your request.

Senator NORBECK. I do not need it at this time.

Mr. PICKETT. I just want it in the record, Senator. Senator Adams referred to what was called the Deloney plan.

Chairman NYE. I am still a little puzzled on these commissions. I find in this letter from Albright here where it says:

It was agreed that a coordinating commission should be appointed by the then existing President's committee on outdoor recreation composed of five Cabinet members. The commission appointed was composed of Congressmen Henry W. Temple, chairman; Charles Sheldon, afterward chairman of the Jackson Hole Elk Commission; Maj. William A. Welch, manager of the Palisades Interstates Park, New Jersey and New York; Director Stephen T. Mather, of the National Park Service; and Chief Forester W. B. Greeley, of the Forest Service. Barrington Moore, of New York, substituted for Charles Sheldon.

That seems to be a different commission. I notice, following that, there was some discussion that took place, in which Mr. Albright says that he presented the matter at the meeting but "the eloquent Mr. Deloney was then against us and his brilliant oration" was too much for us.

Mr. DELONEY. I think that was here in Jackson.

Chairman NYE. Yes, and then it says:

The Commission, after hearing arguments behind closed doors, voted 3 to 2 in favor of adding the Teton Range to Yellowstone, and extending Yellowstone's lines to include the watershed of Wolverine, Coulter, and other streams, half off Big Game Ridge and the whole Thoroughfare country. Later, in order to get a unanimous decision, the vote was reconsidered and in addition to the Thoroughfare country only a part of the Teton Range was approved for park status, the northern third of the range being omitted because of the one unproved asbestos claim.

There seems to be another commission in there, as I say.

Mr. DELONEY. There was lots of commissions about that time; Senator; that is all we heard, about commissions being appointed.

Chairman NYE. That is what bothered me, you stated one commission.

Mr. DELONEY. Only one commission relative to the elk question in the Jackson Hole country.

Chairman NYE. I was speaking of the whole park and the whole conservation matter.

Mr. DELONEY. We were not considering the park question in that commission.

Senator NORBECK. There was about as many commissions as there is hearings; I am confused as to their duties and purpose and number and dates.

Mr. DELONEY. They are different moves entirely, Senator. You have during this whole time the moves of the National Park Service wanting to extend the Yellowstone Park. Then you had another commission come in here and push the Teton Park down our throats. You have another commission on the elk question. Now, we have another one on this question.

Senator CAREY. Who forced the Teton Park down your throat?

Mr. DELONEY. Why, Senator Kendrick, as much as anybody.

Senator CAREY. Were you present when that was agreed upon?

Mr. DELONEY. I was present when Senator Kendrick told us that the time had come that he had to forget the fact that he was a citizen of Sheridan, and, being a citizen of that city, he could not forget also that he was a citizen of the State of Wyoming, and being a citizen and official of the State of Wyoming he could not blind himself to the fact that he was also a citizen of the Nation at large, and the time had come when the people of the country wanted that park and we had to submit to the creation of the Teton National Park. That is pretty nearly exactly Senator Kendrick's words.

Senator CAREY. You were opposed to the creation of the park?

Mr. DELONEY. Yes, sir, absolutely. Previous to that I received a telegram from Senator Nye, who informed me we were to meet in Jackson a certain date, and asked me to arrange a meeting. I arranged this meeting for Sunday night at 7:30 at the clubhouse. Following the custom of most of our people I went out of town and returned to town at 4:30 in the afternoon and saw a number of busses going up the road here. We found that the committee had come into town and had held the meeting about 3 or 4 hours before the hour it was set for. It was not a representative meeting of the people by any means. That is why we came to you at the JY ranch that night and asked that we be heard. Senator Lundy was with us, a previous State senator, and I believe two other men, and we were given our hearing. That is what we were told by our own Senator, and when we saw that our own Senator had deserted us and there was nothing further to look to from him, we consented, on certain conditions, on taking the pill we had to swallow. I was opposed to the creation of that park, honestly opposed to it.

Senator NORBECK. Would you rather have had an extension of the Yellowstone Park?

Mr. DELONEY. Absolutely not, then or now, no, sir; we felt that the creation of that park was unnecessary.

Senator NORBECK. What is your present thought as to this plan here, as to putting these private lands into public ownership?

Mr. DELONEY. My thought on that, understand first, by no means will I ever consent to an extension of the Yellowstone Park—abso-

lutely not. I have never favored it, and I have always opposed it, and I believe I was instrumental for years in defeating the effort to extend the limits of that park. It is unfair to the people of the State of Wyoming—the enabling act—no right to tax privately owned property, or any of the advantages that they think they have in the Teton National Park. When we asked for certain concessions in the Teton National Park the committee did not only grant them, but pledged themselves that those provisions would be carried into the enabling act, and that is the only means whereby our consent was gained at all.

Senator NORBECK. The Yellowstone Park was created before, long before, the State as a Territory was created?

Mr. DELONEY. The Yellowstone enabling act was written by the people who were not looking forward at all to the future development of this State.

Senator NORBECK. But had the park in mind only?

Mr. DELONEY. They had the park in mind only, yes, sir. Now, Senator Norbeck, when this purchase of privately owned lands was first begun in this country——

Senator ASHURST. Before you take that up, will you permit me to inquire further?

Mr. DELONEY. Yes, sir.

Senator ASHURST. You say that your consent to the creation of the Teton National Park was obtained only by promising you what would be written into the law—were the promises kept?

Mr. DELONEY. Yes, sir.

Senator ASHURST. That there would be no roads in the Teton National Park?

Mr. DELONEY. Yes.

Senator ASHURST. And no concessions?

Mr. DELONEY. Yes.

Senator ASHURST. And Congress has lived up to that promise made by its committee?

Mr. DELONEY. Yes, sir.

Senator CAREY. If it was extended would you want those provisions in it?

Mr. DELONEY. Absolutely, that is the only way. They said they wanted to throw it into the sanctity of a national park. If that is a condition, write these conditions into that enabling act, reserve to Wyoming the right to tax all privately owned property, build no new roads, establish no permanent camps, and build no hotels, and give no concessions.

Senator ASHURST. I am interested in getting into this record the fact that Congress kept the promise as given by its committee.

Mr. DELONEY. Absolutely.

Senator ASHURST. That is what I desire to know.

Mr. DELONEY. The Senators promised me that and they kept their promise.

Senator CAREY. Was there any agreement with Senator Kendrick as to any further park extension?

Mr. DELONEY. There was no meeting. We went there and talked to Senator Kendrick and told him that we did not feel that this meeting at the club-house was representative at all, that it was held hours before the hour that was set, that there was nobody there to speak for the people. I believe Mr. Mann was the only man that

had a word to say. They all wanted to talk, but you understand that everybody cannot get up and talk and express themselves. I do not mean to say to you that the country was unanimous in opposition to that—possibly the country may have been as much as 50-50, or there may have been a preponderance of the people in favor of it.

Senator NORBECK. Of the park?

Mr. DELONEY. Of the park. I won't say that there was not, but there is a good strong element in opposition to that, and I was leading that element.

Senator ASHURST. In answer to Senator Carey's question you said the meeting was not that night.

Mr. DELONEY. We went to Senator Kendrick and laid this matter before him, and some of the Senators had retired—they had had a hard day and had gone to their cabins—and he promised us, I think he went over and spoke to the chairman, and promised us we could meet with them at a certain hour next morning.

Senator CAREY. The line, of course, is a very ragged line, and was there some agreement as to that line? Why was it so ragged?

Mr. DELONEY. Well, the line was not agreed on at all there at that time; I think the line was drawn after that. The map was drawn after that, wasn't it, Senator?

Senator NORBECK. Wasn't the ragged line due to different lines and ownerships on the east side?

Mr. DELONEY. Absolutely.

Senator ASHURST. It may be true that the exact line was not agreed upon, but, nevertheless, there was a general contour agreed upon.

Mr. DELONEY. Hadn't that been drawn when some Senator wanted to pay a compliment to Senator Kendrick by creating the national park? Wasn't that the time that map was drawn?

Senator NORBECK. I introduced a bill to that effect, but I am quite certain that the lines of the present park are not just exactly as then drawn.

Mr. DELONEY. They would not be, but I think that is roughly the lines agreed upon at that time.

Senator CAREY. Was there any agreement as to any further park extension?

Mr. DELONEY. No, there was not, and I warned the committee at that time that the ink would not become dry on the enabling act before a further move would be inaugurated to increase the extent.

Senator ASHURST. That agreement may not have been in writing but it was understood in the minds of all present that there would be no extension of the Teton and Yellowstone National Parks.

Senator NORBECK. I talked to the parties who were in disagreement over that question, and I have reached a conclusion that there was a misunderstanding.

Chairman NYE. I think the Chair was present at that time, and at this point he will state that he has no recollection whatever of anything resembling an agreement or understanding reached at that time. If I am not mistaken there was sympathy expressed on every hand by members of the committee with the people of Jackson Hole respecting their own local problems, and the more general agreement, if agreement it can be called, was involved into the assurance, if it was an assurance, that the matter would have to be approved or understood by the Wyoming Representatives in Congress.

Mr. PICKETT. Mr. Deloney, some time after this particular project was in progress did you request from the Governor of the State of Wyoming his views as to this particular matter?

Mr. DELONEY. Repeatedly, yes, sir.

Chairman NYE. How many counties are there in your senatorial district?

Mr. DELONEY. Just the one, that is all. Our State senatorial districts have just one county—some counties have two Senators.

Chairman NYE. What is the population of the districts?

Mr. DELONEY. The last general election indicated we had along about 4,000, from the votes that were cast. Up to that time I was under the impression we had about 2,300 to 2,500 people.

Chairman NYE. But the votes showed more?

Mr. DELONEY. Yes.

Senator NORBECK. You were a candidate at the last election?

Mr. DELONEY. Yes, sir.

Senator NORBECK. And elected?

Mr. DELONEY. Yes, sir.

Senator ADAMS. A gentleman wants to know who carried the county.

Chairman NYE. He just got through saying he carried it.

Senator ADAMS. I did not hear what ticket he was on.

Mr. DELONEY. We will go into that; we would like to go into that later on, yes, sir.

Mr. PICKETT. Referring to exhibit 27, is that a copy of a letter you received from Governor Emerson?

Mr. DELONEY. It would be necessary for me to read the letter, Mr. Pickett, and I would like you to read it, because I have lost all of my files. This is a much later letter—this is not the first letter of instructions from the governor.

Mr. PICKETT. Did you receive that letter?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. What does it refer to?

Mr. DELONEY. This refers to the Deloney plan.

Mr. PICKETT. And does it state the governor's view as to this project and what you agreed to at that time?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. I would like to offer exhibit no. 27.

Chairman NYE. You offer a copy of a letter addressed to Hon. W. C. Deloney, from the Governor, as exhibit 27?

Mr. PICKETT. Yes, sir.

Chairman NYE. It will be ordered to be made a part of the record.

EXHIBIT No. 27

NOVEMBER 30, 1930.

Hon. W. C. DELONEY,

Member Elk Commission, en Route New York City.

MY DEAR DELONEY: In accord with your wish that I inform you, as my personal representative upon the Elk Commission, concerning my views upon certain questions which will probably be discussed at the meeting of the Commission upon December 3, I would advise briefly as follows upon a few fundamental points.

Approve of providing adequate run-way for elk from range in Gros Ventre area to winter feeding grounds near Jackson under such a plan as proposed by so-called "Winter bill" or by other means which may be found practical of adoption.

Opposed to any extension of south or east boundary of Yellowstone National Park.

Approve of extension of east boundary of the Grand Teton National Park of Wyoming, at least to the extent of including present highway within the park and of straightening the boundary line.

Approve of further purchases of Snake River Land Co. of lands in vicinity of Grovont post office and in area now checkerboarded by purchases heretofore made. While not originally approving of purchases in this area by the said company, I now feel that in fairness to the remaining owners of land in this district adequate offers for their holdings should be made by reason of the condition created through previous purchases of contiguous lands.

Opposed to the transfer of any holdings of the Snake River Land Co. upon the east side of the Snake River to the National Park Service. In event the said company desires to dispose of such holdings, consider it a debatable question as to whether transfer should be made to the State of Wyoming, or to the Biological Survey or the Forest Service as departments of the Federal Government.

It is my earnest wish to see early, and as far as practical, permanent solution of the several problems which arise in relation to such questions as referred to in the above. My cooperation to this end will be gladly given.

I trust that the meeting of the Elk Commission will find friendly discussion of the problems before it, even though difference of opinion upon several questions is certain to develop. I am hopeful that out of the meeting may come a plan which may meet with the approval of the members of the committee and provide a constructive scheme for the protection of our elk herds as a valuable asset of State and Nation.

Very truly yours,

Governor.

MR. PICKETT. Mr. Deloney, you have had some ideas about this project since that time, and the committee would be interested in hearing those?

MR. DELONEY. I would like to go back to the second meeting of the Elk Commission before reaching that, because it will explain to a considerable extent my later action in reference to this project. At this meeting of the Elk Commission the same effort by the Forest Service to get control of the game herd here made its reappearance.

Senator ASHURST. Where was this second meeting, Mr. Deloney?

MR. DELONEY. It was in Washington. It made its appearance in the form of a resolution offered by Mr. Rachford again.

Chairman NYE. Who is Mr. Rachford?

MR. DELONEY. He is a representative of the Forestry Department, I do not know what his official position is, but he was a member of the Commission from that Department. This time he did not only ask for the creation of this Federal game preserve over the area that he had proposed before, but he wanted to extend its lines to include the Buffalo Bench, and, coupled with that, was the recommendation that the Snake River Land Co. continue its purchases to include all of the lands lying north of the Gros Ventre River. I had to oppose the same resolution, although I did not have to go to the extent of walking out of the meeting. In every meeting of the Elk Commission the Forestry Department has had their representatives there, coached and instructed, by any means they might be able to employ, to get control of this big game herd, and that is the means that they were employing to establish a Federal game preserve.

Chairman NYE. Within the already established forest reserves?

MR. DELONEY. It could include them all, if they had their way about it.

Senator CAREY. Was that the Forest Service alone, or the Biological Survey?

MR. DELONEY. No, sir; that was the Forest Service; it did not even have the approval of the Biological people.

Mr. PICKETT. Was that the meeting of the Snake River Land Co.?

Mr. DELONEY. That was the second meeting of the Elk Commission, and he included in that that we ask the Snake River Land Co. to continue their purchases to include all of the lands lying north of the Gros Ventre. Now, these purchases had continued in this valley, and I cannot conceive of any man being so dense as to imagine that these purchases were being made for any other purpose than to be turned over to some Federal agency or administration. The thought was never in the minds, as far as I have been able to gather among any of our people, that there was going to be any private game preserve established here, or that they were going to establish any great cattle industry, cattle ranch, or anything of the kind. It was common knowledge or generally accepted as a fact that these purchases were being made for the purpose of turning them over to some Federal agency for administration, and, I repeat, I cannot conceive of any man, with ordinary intelligence, having any doubt in his mind at any time that that was the ultimate object.

Senator NORBECK. What would you think of any Government department seeking more power, authority or control, and the taxpayers' money spent over interdepartmental fights over control?

Mr. DELONEY. It is only a matter of jealousy among those three departments as to who will administer these lands, and nothing more than that. These purchases had continued, and there is no question but that the business of the country suffered by it. Individuals may have been benefited—people who could not possibly pay out on moneys that they owed. There are numbers of these properties, there is no question, that would have gone by the board through tax sale. There are others of them that were not in that condition. I have been engaged in the mercantile business here ever since I came into the country, and I have had a pretty accurate gage of the volume of trade, and these people have been moved out of the country, and they have disposed of their holdings and have gone, and we have suffered loss of business through those people being gone. And the question entered my mind then, "what are we going to do to try and replace and regain this lost business?" Other States have benefited, with the tourist business. And when I received an invitation in the fall of 1930 from Senator Walsh to take dinner with him at Moran—

Senator CAREY. You mean, Senator Walcott, don't you?

Mr. DELONEY. Yes; pardon me, Senator Walcott, to take dinner with him at Moran, I knew there was something coming up again from a committee investigating conditions in this country. Mr. Winger and I had talked over this plan a great many times, what the Snake River Land Co. were doing, and what their ultimate object was. I had begged of Mr. Webb repeatedly at different meetings of the Commission, asking him to tell us what it was all about. There was such a mantle of secrecy over it that it was only a matter of guesswork, and even at the time of the second meeting at Washington Mr. Webb was not in a position to give us any information—he said that shortly they would be.

If we had lost this business, and this land was going to be turned over to some Federal agency for administration, we had to find some way to get business in return for that to replace that which we had lost. When Mr. Winger assured me that we would have the support of the Snake River Land Co. in helping to get a reimbursement to this county

for the loss of its taxable values, I went to work with him then in trying to work out a plan, insisting that certain rights of the cattlemen should be preserved, insisting that the right of the State of Wyoming to tax private-owned property within that area should be preserved, that we would retain to the State and to the people every possible thing that we could retain. They drew this up in the form of a letter, and Mr. Eynon, Mr. Winger and myself signed it. We went to Moran——

Senator CAREY. Did Mr. Ferrin sign, too?

Mr. DELONEY. No; I think there was only three signatures on it. We went to Moran, and instead of there being a little dinner, as I had thought there was to be, Governor Emerson, Mr. Carter, Senator Carey—you were there, weren't you?

Senator CAREY. I wasn't at the meeting. I was in Moran that day but I did not attend any meeting, and went out the next morning.

Mr. DELONEY. Miller was there, Mr. McCain, and there were quite a number of people there. We did not go to dinner as I had expected—I ate dinner with Governor Emerson, and I laid this matter before Governor Emerson at that time, and I laid it before different ones at that time. We were discussing it at a table in the lounge when Mr. McCain came up, and he said "What is this?" We also gave him an opportunity to read it. It was fully discussed right there. Later we had an opportunity of meeting the members of that committee, and going into it in greater detail.

Senator Pittman assured us that it would be impossible for these lands to be ever taken over by the Forestry Department for the reason that they were not classified as forest lands. We have a great deal of respect for Senator Pittman's ability in land matters. We could see nothing further than—the Biological Department is the poorest department in the Federal Government, as far as spending money is concerned; they do not get it. They have never yet been able to get their appropriation to complete this little project up there. This would involve the expenditure of a considerable amount of money there, besides the reimbursement to the county for taxable values. There was no other place to suggest that these lands should go for administration, except to the National Park Service, and the enabling act of the Teton National Park, and carrying certain provisions, and it being possible for us to amend it, then the Teton National Park was decided upon as the park to which we should go and should ask would be given these lands for administration.

Senator NORBECK. In other words, your suggestion was that these lands be added to the Teton National Park?

Mr. DELONEY. Its boundaries extended to that extent, and it went to the extent that they assured me that all of the provisions would be met—that I should be the one they would write to get the extending boundaries of that park.

Senator CAREY. Did you have information at that time that the same restrictions should apply to the enlarged park as apply now as to concessions?

Mr. DELONEY. Yes, absolutely.

Senator CAREY. Was that the thought of the four of you who signed this letter?

Mr. DELONEY. Why, that is my understanding, yes, sir.

Senator CAREY. Wouldn't those concessions already in the park remain there?

Mr. DELONEY. I did not know anything about what the contracts might be drawn between the Snake River Land Co. and those people. It is a certainty that if there was any existing contracts those conditions would have to be maintained during the life of that contract; that would be a fact, we could not get around that.

Senator CAREY. You figured that if you had a 5-year concession, at the end of 5 years that would be wiped out?

Mr. DELONEY. Yes, sir; and there would be nothing added there except by act of Congress. If those lines are extended to include Moran and those hotel companies would be wiped out, what would the public do? There would eventually have to be some permanent arrangement made up there.

Senator CAREY. You said you wanted the same restrictions applied to concessions?

Mr. DELONEY. Yes.

Senator CAREY. And even so, Moran would have to be left there?

Mr. DELONEY. Yes, sir; during the term of their contract, but any future thing done would be done by acts of Congress.

Senator CAREY. Congress would repeal these restrictions in the Teton Park as to concessions?

Mr. DELONEY. We cannot control Congress.

Senator CAREY. But would you expect them to do that?

Mr. DELONEY. I would expect them to comply.

Senator CAREY. Your statements upon this are not in line; you said a minute ago that you wanted these restrictions that now prevail in the Teton Park to continue.

Mr. DELONEY. Yes, and to be changed by act of Congress.

Senator CAREY. You would have no objection to Congress changing them?

Mr. DELONEY. If we could be heard, and we were sensible, undoubtedly Congress would listen to us.

Senator CAREY. But that would not mean that they would continue?

Mr. DELONEY. There are other matters that enter into this question, the question of the big game herd. It is for so many years that I do not like to recall all of it, that I have gone down to the State legislature, my hat in my hand, begging for appropriations, asking, working, striving, to perpetuate this herd. I have succeeded in many instances, particularly when the Senator was governor of this State, and, under Governor Ross, in getting very liberal appropriations.

Senator NORBECK. For winter feeding?

Mr. DELONEY. Yes, sir. But under the other governors I have not been so successful fighting through the legislature for these things, and in having the ax of economy wielded after we had adjourned, until we would be cut down to where it was absolutely impossible to properly feed and protect these animals during the starvation period.

Senator CAREY. What was the last legislative appropriation?

Mr. DELONEY. The last legislature appropriated nothing; they loaned the game and fish department, made an emergency loan, of \$7,000, to be paid back out of the first receipts, to buy an emergency amount of feed.

Chairman NYE. Loaned whom?

Mr. DELONEY. The game and fish department.

Senator CAREY. Under the existing law doesn't the game and fish department have a revolving fund? I have lost track of it.

Mr. DELONEY. Yes, sir; one of the great efforts I made, and I call it one of my main accomplishments, was getting the creation of a State game and fish commission, and then the creation of a game and fish fund, the revenues of the game and fish department to go for its own maintenance. But the unfair part of it is this: We asked for the appropriation of 100 thousand dollars to start that department off, and we got it, but by an inspired opinion from our attorney general we found that that money had to go back to the State. They paid the original loan back, but it left them in a hole, and we had to get 60 thousand dollars again. They have cut that down year by year, and this year I made an effort to extend the time of that loan over a 10-year period, to give this department a chance to build up and really operate, and I was informed by the Governor that if I got it passed he would veto it, that that loan had to be paid back within the specified time that they had set.

Senator CAREY. I do not want the committee to get the idea that Wyoming is not doing anything for the game. How much money are they spending for feed in this valley, or will they spend?

Mr. DELONEY. The game and fish department of this State itself is spending nothing. The game and fish department out of the revenues are buying more feed, showing more common sense in the distribution of the feed, than was ever shown in our history.

Senator CAREY. Then the State is doing its part through its game and fish commission?

Mr. DELONEY. The State, through its commission?

Senator CAREY. You say it is buying more feed than in their history?

Mr. DELONEY. They are not buying as much as they need, and I maintain that the State is not doing its part under the system under which they operate.

Senator ADAMS. The fishing licenses go into that fund?

Mr. DELONEY. Yes; the fishing licenses go into that fund, and all revenues, except the fines, of course.

Senator CAREY. Do you know what the Federal appropriation was?

Mr. DELONEY. No; I don't.

Senator CAREY. Do you know how it compares with the State appropriation?

Mr. DELONEY. Well, Senator Carey, when you take into consideration the investment of the Federal Government in this biological ranch over here, and the money they spend year after year in cultivation of the crops, and the putting of it up, the State of Wyoming is spending very little money.

Senator CAREY. Let us take it another way. What proportion of the hay that is fed to the elk is furnished by the Federal Government, and what proportion by the State of Wyoming?

Mr. DELONEY. I am not prepared to say.

Senator CAREY. Are they furnishing more, or is the State furnishing more?

Mr. DELONEY. I would not pretend to answer it; I will not answer a question on which I cannot give the facts.

Senator CAREY. I do not want the impression to go out that the State of Wyoming is not trying to do something, and it might so appear from part of your testimony.

Mr. DELONEY. If my testimony can give the impression that I am here to say that the State of Wyoming is selfishly acting with reference to this game herd, that is the impression I want to give, because it is my honest opinion.

Senator NORBECK. If it were not for the Federal Government furnishing feed it would be a sorry looking herd?

Mr. DELONEY. A sorry looking herd.

Senator CAREY. Mr. Deloney, is that your testimony, that the State is not doing anything?

Senator NORBECK. In speaking of this year he stated that the fish and game department borrowed money and put it in here.

Mr. DELONEY. That was merely an emergency.

Senator NORBECK. Your statements are referring to this season only?

Mr. DELONEY. They made their purchases, what they were able to, from their revenues, and then, with the severe weather conditions that arose here during the fall, it looked as though they were not going to have sufficient feed to go through, and I asked for a sufficient sum of money, which was given to us in the nature of a loan and carrying interest to the State of Wyoming.

Mr. PICKETT. Mr. Deloney, do I understand your position to be that the elk herd should be turned over to the Federal Government?

Mr. DELONEY. No, sir; do not get that idea that it should be turned over to them. I do think that if these lands are turned over to the National Park Service that there is going to be an additional area there which will provide so much more winter range for the animals, more hay to be harvested to feed them through the starvation period, that it will relieve the State of a great deal of the expense they go to at the present time, and allow them to give some protection to the elk herd through proper police and patrolling. The idea of this entire country patrolled by two men to enforce the game laws!

Mr. PICKETT. Your idea is for the Federal Government to feed the elk for the State?

Mr. DELONEY. Yes.

Senator CAREY. Isn't it a fact that every forest ranger is a game warden?

Mr. DELONEY. I believe he is.

Senator CAREY. Don't they cooperate with the State?

Mr. DELONEY. Yes, sir.

Senator NORBECK. Are they able to give much time to the enforcement of the game law?

Mr. DELONEY. If I am correctly informed that is one of their first duties, and that is one of the things I resent, yes, sir. Why should the Forest Service police or patrol or control our elk herd?

Mr. PICKETT. I would like to ask, in connection with the matter you mentioned a while ago, in regard to the taxes being paid on this particular property, would it be possible to maintain the county government if the taxes on the land included in this project are not paid?

Mr. DELONEY. No, sir; it would not; not at the present time, at any rate.

Mr. PICKETT. Do you know approximately what percentage of the privately owned land within Teton County is included in this project?

Mr. DELONEY. No; I do not know. I have not studied it to that extent.

Mr. PICKETT. As I understand your plan, it was to extend the project and include it into a park farther south than the present project, and almost to the town limits of Jackson?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. That would increase the present project?

Mr. DELONEY. Yes, sir; it would increase that project.

Mr. PICKETT. It was your understanding with Winger, which you testified to here, as I recall, that you were assured that the taxes would continue to be paid and that the cattlemen's rights would be protected under the program you have referred to?

Mr. DELONEY. Yes, sir.

Senator ADAMS. In this program, which you submitted, the Deloney program, subdivision 4, it provides—

That, as a part of the legislation effectuating this plan, Congress appropriate \$7,500 a year for 5 years, and \$5,000 a year for the next 5 years to be paid to Teton County to compensate for the withdrawal of its taxable lands.

and you provided for a 10-year period that the Government should carry the taxes?

Mr. DELONEY. Yes, that is the only weak point in that plan, and that plan has not taken into consideration the fact that we were also losing possible forestry revenue which comes back to the county, and also that this was going on for all time rather than for a set period of time. That is the weakest part of that plan.

Senator ADAMS. The Snake River Land Co. program is rather broader than yours in that respect?

Mr. DELONEY. Yes, sir.

Senator ADAMS. They do not place any time limits on the tax payment plan?

Mr. DELONEY. The thought behind that being this, that with the creation or the extension of the park, with the building of additional summer homes on the other side of the river, and the development of the lower country, would replace that loss of taxable value. I do not know whether my contention is correct on that or not, but it is my thought that the country will continue, the other parts of it, if they only leave us alone, to continue to develop, build up and replace those losses of taxable value. And the consequent permanent settlement of this question, that is what we want regardless of where it goes; settle it, and it will result to our benefit. The increase in tourist traffic will more than compensate the businessman for the loss of business he has had through the moving out of these people.

Senator ADAMS. You are suffering some disadvantage, are you not, from the uncertainty?

Mr. DELONEY. There is no question, absolutely no question. Nobody dares to increase their business, extend their properties, or anything else.

Senator NORBECK. You are afraid another commission will be appointed, or there will be a new hearing?

Mr. DELONEY. Whatever the conclusion of this committee, and whatever the resulting act of Congress is, it should by all means, in fairness to these people, bring this question to a definite conclusion and stop it, as near as it can be stopped in the future, so we will know what to do, know what to look forward to, what to work to, and what we can expect.

Senator NORBECK. What gasoline tax is levied in the State of Wyoming, in this State?

Mr. DELONEY. Four cents, I think it is.

Senator NORBECK. Have you any notion what that amounts to, for instance, in this county?

Mr. DELONEY. No, I could not give you the figures.

Mr. PICKETT. Senator Deloney, you mentioned the development of summer homes—did you mean within this particular area?

Mr. DELONEY. No, sir.

Mr. PICKETT. Outside of this area where are there sites for summer homes within the valley?

Mr. DELONEY. The south end of the valley, and on the west side.

Mr. PICKETT. Are there any summer home sites within this project?

Mr. DELONEY. That would depend on what a man considers a summer home. All around that land there are thousands of possible locations for cabins, fishing cabins, but I doubt very much whether there would be enough built there to make any appreciable difference.

Mr. PICKETT. Has there been any summer homes there?

Mr. DELONEY. Yes; I think there have been.

Mr. PICKETT. Where have they been?

Mr. DELONEY. They have been mostly on the other side of the river.

Mr. PICKETT. Is that development within the proposed park?

Mr. DELONEY. No, sir. There are a couple of exceptions: Mr. Johnson's property on Jackson Lake, and some property in here, that is included, I believe, in this proposed plan of mine.

Mr. PICKETT. I understand you to say that your plan is based upon the guaranteeing to the county of the payment of taxes?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. Are you acquainted with the present obligations of the county—the funded obligations?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. School-bond issues?

Mr. DELONEY. I know we have school-bond issues; yes, sir.

Senator CAREY. Who would take care of this school-bond issue if this area was added to the park?

Mr. DELONEY. That is a question, I do not know; it is a question I have always wondered about, how a man could buy property and give it to the Federal Government, when it was tied up in a bond issue. I do not know how he could do that.

Senator CAREY. Has that ever been discussed, the manner of handling it?

Mr. DELONEY. No. I am frank about it, I do not know; possibly the committee can give me some information as to how a man can buy——

Chairman NYE. It seems to me that the Federal Government, in the event that it acquired these lands, would owe that larger consideration to the county; it is bound to.

Mr. DELONEY. Yes. That same question, Senator Carey, is involved in this biological project up here.

Senator CAREY. There has been a question asked all of the time about the number of acres of deeded land in this county.

Chairman NYE. Have you got the number of acres in the county, the total acreage?

Senator CAREY. In 1931 the total amount of deeded lands in this county in private ownership was 107,579, and the holdings of the Snake River Land Co. at that time were 30,129. The assessed

valuation for 1932 for the county amounted to \$1,123,197.50, and the assessed valuation of the Snake River Land Co. lands in 1932 was \$340,813.

Chairman NYE. Under the Wyoming State law land is assessed at full value, is it not?

Senator CAREY. Yes.

Senator ADAMS. That assessed valuation of the county, does that include personal property, or simply the lands?

Senator CAREY. Those are land values. I have some other figures here—the total valuation of the county, including personal property, was \$2,010,809.

Senator NORBECK. How many acres of land are there in the whole county?

Senator CAREY. I could not give you that.

Senator NORBECK. I was thinking, was it a few percent?

Mr. DELONEY. At the time this plan was submitted, you understand there has been a considerable amount of land purchased since then, and that was the figure that was given me as being the amount of taxes which, at that time, was being paid on these properties that had been purchased. That is the reason that figure is there. Now, we can go back to the game question.

Senator NORBECK. Before you do that, you spoke of the amount of revenue that these lands already pay; in view of the agricultural depression, and the breakdown of a good many farmers, do you feel that any such sum would have been paid now if these lands had remained in the former ownership?

Mr. DELONEY. No; I am afraid that a greater portion of them would have been——

Senator NORBECK. Owned by the county?

Mr. DELONEY. Owned by the county; yes, sir.

Senator NORBECK. And, therefore, off the tax roll?

Mr. DELONEY. Yes, sir. Mr. Chairman, I am going to ask, if you will, to cause to appear before this committee Dr. Murie, of the Biological Survey, who is making a scientific study of the elk herd, for I think he will lay before you facts concerning the future welfare of that herd that you should know—Dr. Murie, of the Biological Survey.

Chairman NYE. You may be assured that he will be called if he has that information.

Mr. PICKETT. He will appear, he has been called.

Chairman NYE. He has been subpoenaed?

Mr. PICKETT. He has not been subpoenaed, but he will be here?

Mr. DELONEY. In the handling of the herd, while I agree in a great many instances with the action of our State game and fish department, there are conditions in this very area that they do not seem to be able to get a true conception of at all. For instance, for years all of the area that they have closed to hunting has been that land that carries natural cover and natural refuge for fleeing animals, and the land left open for hunting is absolutely devoid of natural cover.

Chairman NYE. That is a slaughter ground?

Mr. DELONEY. That is a slaughter ground. That is a mistake, and it seems to be a mistake we cannot convince them of. Now, every winter, every year, the animal makes two migrations; in the spring

he follows the snow bank back up to the higher levels, up to 11 to 13 thousand feet. He seeks protection, of course, from the flies and other pests, and he remains there.

Senator ADAMS. You use the term "pest" in rather a wide sense, I suppose.

Mr. DELONEY. Well, the flies is the main thing; he is not bothered by the hunters up there because he is in a preserve. And let me correct an impression here that may be out, that the Jackson Hole herd is in the Yellowstone herd. There never was more than 25 percent of the Yellowstone herd that ever saw the Jackson Hole country. As a matter of fact, I think Mr. Albright told us in the commission at Washington that less than 17 percent of them ever saw the Jackson Hole country. We are separated entirely from them.

Senator NORBECK. When you speak of 17 thousand, you mean the 25 percent?

Mr. DELONEY. I mean the Jackson Hole herd, without any reference to the Yellowstone herd at all. You understand that they may drift into the park in limited numbers, but the Yellowstone herd does not come into this country.

Senator NORBECK. When 20 thousand come into this country there is about 80 thousand goes into Montana?

Mr. DELONEY. No; I do not think we have any such numbers.

Senator NORBECK. Where do they winter, if they do not come here?

Mr. DELONEY. Not over 17 percent of our herd ever sees the park.

Senator NORBECK. In other words, they summer in the Jackson Hole?

Mr. DELONEY. Yes; this is their habitat exclusively.

Senator NORBECK. I am glad to have that cleared up; I asked that question several times.

Senator CAREY. Is there any more elk in Jackson Hole than in Yellowstone?

Mr. DELONEY. I do not think they have more than two fifths of the elk we have.

Senator CAREY. Do you know how many winter in Montana?

Mr. DELONEY. No.

Mr. PICKETT. A good many winter at the edge?

Mr. DELONEY. I imagine that would be so, but that would be more among the bulls than in the cows. They remain up there until the cold weather sets in and the snows come, and they begin their summer migration back again to this part of the valley. I have sat in the hills and watched them—I am a hunter, but not with a gun, I love to watch them and study their habits—and as the time approaches for their southerly migration they begin gathering in larger bands. The snow comes, and the snow gradually covers the feed. There is a continental divide there, and when the snow begins to fall where they are it has already fallen to a greater depth on the divide, and consequently they cannot get upward over into the Wind River country except as they are driven; they have only one direction to go. The old cows stand on the outskirts of the herd, they are restless, soon that herd begins to break. A cow starts up and the herd falls in behind that animal, animal following animal in single file, and they come down to these lower reaches in that manner. That is the one time

when they should be protected and looked after. The course of their migration, traveling in these great bands, should not be open to hunting. After they get over to the Gros Ventre River they repeatedly cross back and forth until they head off over here on the head of these creeks, and then that band begins to split; approximately 70 percent of them come off in this direction, and the balance of them go down over on to the Munger, Porcupine, Game Creek, and the Hoback—those are scattered bunches—and some work out over here, over into this territory. The firing territory is established in this open territory, that I have spoken of, pushing them back, and the animals that naturally would drift over on to the Antelope Flat territory are not allowed to stop there, but they are forced into these bigger bands and they are forced down here into this congested area.

Some time in the eighties the elk herd suffered the biggest losses it has ever suffered from starvation, and in 1907, 1910, 1915, 1921, and 1923—why, it is a marvel you have any elk herd left.

I have stood on the streets of this town on moonlight nights during those periods, and you could see those trails worn along that hillside, where they have marched down from the upper end of these swamps, great strings of them, by the hundreds, and always I remember the sound of that crunching of the snow, the belating of the calves, the coughing of the cows, all of those many sounds that you hear when in the neighborhood of an elk herd. I have watched them on the way down along that trail; every drift, every obstacle in their path, every tree stump, or brush, would be marked with the form of some animal that has slipped and fallen, so weak that it is unable to rise. I have gone there on the following morning and have put them out of their misery, with their eyes picked out by the magpies, their udders eaten by coyotes, their feet and ankles frozen to the ice, unable to move, starved and dying because the State of Wyoming has not properly provided for them during those months. It has been said that during the years of 1919 to 1921 you could almost cross the swamp up here by stepping from carcass to carcass of those animals. And around the haystacks, where they have been struggling to get to the feed, calves that have been injured and are lying there, and it is literally and absolute truth, and I will always blame the State of Wyoming for the manner in which they have allowed these animals to die during the winter months. It has been a source of revenue to the State.

Senator CAREY. I happen to have been governor in 1919 and 1921.

Mr. DELONEY. Yes, sir.

Senator CAREY. You said a while back that we had liberal appropriations when I was in office?

Mr. DELONEY. Yes, sir.

Senator CAREY. In 1919 you will recall that there was a drought all over the State of Wyoming, and cattlemen had to ship their stock out for feed?

Mr. DELONEY. Yes, sir.

Senator CAREY. Do you also recall that I had cotton cake hauled into this country that winter because I could not do anything else to save the elk?

Mr. DELONEY. Yes; and I still insist that the State of Wyoming did not do their duty, from the fact that in the previous years, when hay was to be had, that we did not follow the program I tried to have put over, to induce them to buy hay and haul it in there and hold it

in reserve, and not wait for the animal to be dying before they bought it.

Senator CAREY. Hay that winter was \$45 a ton.

Mr. DELONEY. Yes, it was \$45 a ton.

Senator CAREY. We could not get hay up here.

Mr. DELONEY. It could have been bought the year before at \$10.50 a ton. That is a program I tried to put over for years, that if you would provide for these terrible hard winters and not wait until the animal is dying to buy the feed. We got our appropriations from you, that is absolutely true; you and Governor Ross are the only ones who ever did give the appropriations.

Senator CAREY. I wanted the record clear on that, as far as I am concerned.

Mr. DELONEY. I believe in giving credit where it is due. We advocated the purchase of ranches in different parts of the country, at least over a period of years, to build up a surplus supply of hay in order to meet the conditions when they arose. We could never get the program over. Now, under the administration of Dr. Hocker, and I give him credit, we do provide a little in advance for what might come in in the winter.

Chairman NYE. Is he the head of the game and fish department?

Mr. DELONEY. He is the executive head of the department, and I believe that if we eliminated the rest of the department and left Bob Hocker alone as administrator we would get far better results than we get at the present time. A few years back there was a scandal all over the country on the antelope slaughter that occurred in this State?

Senator NORBECK. What year was that?

Mr. DELONEY. That is a matter of about 4 years ago, I believe. Year after year the complaint had come to us of the legislature about the manner in which the antelope herds were growing in different parts of the State, destroying crops, and becoming a nuisance to the people, and we provided that there should be a certain number of licenses sold, and a certain number of antelope killed, believing that the game department would exercise some common sense and limit the kill to where the congested districts were. Instead of that, they threw the whole State open and allowed them to be shot from automobiles, or in any way, and did not accomplish the purpose that was in the minds of the legislature. Today, we have an open hunting season for chickens in the only possible breeding ground we have in the entire county to raise chickens in, and the rest of the county is closed.

You asked me why I feel that the Federal Government should be given some supervision, and an area established where they will be protected, where these animals will be protected, and where ample provision can be made for them during the winter months; that, and the reimbursement to this county for the loss of the taxable values, is the reason why I favor this project. It is a long time getting to the end.

Chairman NYE. Senator Deloney, you have not been at all long in getting to the end, because I think few men would present the picture from the standpoint you have presented it, and as you have done. Would you prefer to take a recess and finish this afternoon? I assume, from your last remarks, that you have about finished.

Mr. DELONEY. Yes, sir; unless there are some special questions counsel wishes to ask me. I am entirely at the service of this committee.

Senator NORBECK. Was your view on these questions known when you were elected at the last election, that you proposed to put this under Federal control?

Mr. DELONEY. For 2 years, Senator Norbeck, I have been the center of fire of newspaper attacks on practically every issue, yes, sir; and not only that but 2 years previous, when I announced my candidacy for the State legislature, there was then alined against me the only opponent I ever considered worthy of any consideration at all, previous to this last election. Mr. Simpson is the only one they ever put up with any strength against me, and he is a strong man and would have made a good representative. He was on the opposite side of this question at that time, and I carried the election. This last election there is absolutely no question, because God knows I had been advertised enough—and Mr. Bark, a man who twice before ran for office and was defeated, a Democrat, and myself a Republican—Mr. Bark, a proponent of this plan, was also elected, a Democrat to the house, and a Republican to the senate.

Senator NORBECK. And both favored public ownership of these lands in this county?

Mr. DELONEY. Yes, sir.

Mr. PICKETT. You were elected once on the Democratic ticket, weren't you?

Mr. DELONEY. No; I think Democrats elected me, but not on the Democratic ticket. I had no intention of being a candidate for office, and this year my name was written in in the primary and I had very little time, and when I finally decided to be a candidate I had barely time to get my papers to Cheyenne. One other time I had dropped out or had intended to drop out of the political game here, in 1927. On Sunday afternoon preceding election I was going out to Moran, and I saw posted along the highways game and fish department signs posting a closed territory, with the land in some instances laying as much as 9 miles from the lines which they had advertised as being closed area. At the previous session of the legislature they had submitted a great mass of proposed game preserves, and every one of them were defeated, and none of them passed, except one over in another part of the State. When I saw the action of the game and fish department, closing all of those areas, and that they were not only closing the advertised lands but that they had also posted them clear along the highway to Moran, I returned to Jackson about 6 o'clock that evening and got out some form letters, sending them to a limited number of voters, and without my name on the ballot they again elected me by the biggest majority I ever carried. So they have known—I have not hidden my light under a bushel by any means. This is my home, I never will leave here, and I expect to spend the balance of my life out here. I am interested only in its future, and its welfare and its development, and I have not forgotten the years I have devoted conscientious, honest effort to try and build up our big game herd and to maintain it. As long as I remain in private or public life I will still continue to devote my efforts to maintain that herd as one of the greatest assets the State of Wyoming has. Now, if there is anything further—

Senator NORBECK. What about the moose, are they holding their own, or are they increasing?

Mr. DELONEY. They are increasing to a very appreciable extent.

Senator NORBECK. And have had the necessary protection?

Mr. DELONEY. I cannot say that; that is a sore spot, there is not revenue enough to properly protect anything.

Senator NORBECK. In other words, this little money that occasionally goes into feeding in Jackson Hole should be used for patrol work?

Mr. DELONEY. There should be sufficient to properly protect them. Why should the State of Wyoming call on the Federal Government to patrol its game and protect this game from illegal killing? There is no sense or reason to that.

Senator NORBECK. The Federal Government enforces the State game laws?

Mr. DELONEY. Yes, sir.

Senator CAREY. I have a letter here from Governor Emerson, written in December 1930, in which he stated his views on this question, which I would like to insert into the record.

Chairman NYE. The letter was addressed to yourself?

Senator CAREY. Yes.

Chairman NYE. If there is no objection it will be ordered inserted in the record.

(The letter in question follows herewith:)

THE STATE OF WYOMING,
Cheyenne, December 5, 1930.

HON. ROBERT D. CAREY,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I have your wire of yesterday relative to questions concerning the situation which now applies to the Jackson Hole region.

In accordance with your request, I am pleased to enclose herewith a copy of my letter as recently written to Mr. W. C. DeLoney, as my personal representative upon the Elk Commission. This letter touches briefly upon some of the problems which are now under consideration. The continuing urgent demands upon my time will prevent much extension of my ideas in writing at this time. However, I will endeavor to give you some additional thoughts upon my views.

It is noted that you believe it will probably be necessary for the delegation to oppose any extension to the National Park System. You will note from the DeLoney letter an expression of about the same position upon my part, even though I have suggested the advisability of a nominal change in the east boundary of the Grand Teton National Park of Wyoming. At the present time, the east boundary in the vicinity of Jenny and Leigh Lakes, and to the south thereof, is a zigzag line. This was caused through necessity of avoiding the lands which were under private ownership at the time the park was created. Most of these private owned lands have been purchased by the Snake River Land Co., and it is my understanding that this company desires to transfer title to the National Park Service. In this instance, such a transfer would seem to be subject to approval in order that the east boundary of the park in the section affected might be reduced to a rather straight line. Even a very nominal extension of the park area along this line would bring about the desirable end of including a considerable stretch of highway within the park.

In regard to extension of the boundaries of Yellowstone National Park, you will note the expression of my opposition thereto. In this reference, I might add that a very nominal extension in the southeastern section might be subject to our approval if it would mean a rather permanent adjustment of the general problem which has continued to face the Jackson Hole region.

You will also note my approval of further purchases by the Snake River Land Co. of lands in the vicinity of the Grovont post office within the area checker-boarded by purchases heretofore made. Originally I had protested vigorously against the purchases of this company extending to the valley of the Gros Ventre River or to the area of lands north of the river, which could be covered by feasible irrigation works therefrom. Purchases were made, however, north of the

river with the result that a comparatively few land owners are left holding lands, which lands have been depreciated in value through the activities of the said company. I have reached the conclusion that fairness to these remaining owners of land would require, the purchase of their holdings at adequate prices.

It is further noted from your wire that you believe our congressional delegation should oppose the transfer of lands of the Snake River Land Co. to the Federal Government. In this position, I can concur in a general way, even though I believe we will have to meet the desire and intention of the said company to relieve itself of ownership of most of the land purchased, through transfer to the Government. It would be to the advantage of Wyoming if at least a portion of these lands could be transferred to the State. In this connection, I have especially in mind the lands upon the Buffalo fork in the vicinity of Elk Post Office, which could profitably be used by the State in raising feed for the elk. In case of the necessity of meeting the proposition of a transfer to the Federal Government, you will note that I have suggested the Biological Survey or the Forest Service as the agency to accept control.

I wish that time were now available so that I could write you in more length. However, by reason of board meetings, the preparation of the budget, and many other matters of importance, my time is so limited that I will have to be content for the present with the contents hereof. In event I have not made myself clear or you would like to have my opinion upon other questions to which reference has not been made, I will be glad to give attention to further communications from you.

I am hopeful that by working together and cooperating with Congress, the special commissions upon park extension and game problems, and with other interested agencies, we may find a plan finally adopted which will provide a rather permanent solution of the questions under consideration.

Referring briefly to Mr. DeLoney's plans for park extension, I may say that as yet I have not had opportunity to be very well advised upon same. I only know that his proposal would provide a rather large extension of Yellowstone National Park. As a member of the legislature from Teton County, Mr. DeLoney's cooperation will be very desirable in relation to the adoption of any plan to cover the situation.

I know you will feel free to call upon me any time in connection with problems of mutual concern, of which the Jackson Hole situation certainly affords one.

Trusting you are enjoying your new duties, and with best personal regards, I am

Sincerely yours,

(Signed) FRANK C. EMERSON,
Governor.

Mr. DeLONEY. Speaking of Mr. Simpson as my opponent in the election, the two men must not be confounded; this is Chester Simpson who opposed me in the election.

Senator NORBECK. Where did he live?

Mr. DeLONEY. In the town of Jackson.

Senator NORBECK. What is his occupation or business?

Mr. DeLONEY. He is a hardware merchant.

Chairman NYE. He is not the attorney Simpson?

Mr. DeLONEY. No; we have an attorney, a member of the Fish Commission, James S. Simpson, and then also this J. C. Simpson, who is a hardware merchant, and he is the one who opposed me in the election.

Chairman NYE. Thank you, Senator DeLoney. The committee will stand in recess.

(Whereupon, at the hour of 12:40 p.m., the hearing stood in recess until the hour of 2 p.m.)

Pursuant to adjournment, the hearing was reconvened at the hour of 2 p.m., August 9, 1933, with all of the members of the committee and counsel present, whereupon the following proceedings were had:

Chairman NYE. The committee will be in order. Whom do you want to call first?

Mr. PICKETT. I believe I have some correspondence, Senator, that probably should go in before this next testimony.

Chairman NYE. All right. Can't we save time by letting the reporter identify them at this time?

Senator NORBECK. We would like to know who they are from and who they are to, that is about all.

Mr. PICKETT. That will appear as the letters are read, Senator.

Senator NORBECK. They are from the park files, is that it?

Mr. PICKETT. Yes. Now, Mr. Chairman, I would like this afternoon, for the purpose of disposing of certain witnesses who live in the country and have been here 2 days, to pursue a little different course, and that is, to take up the testimony of people who have had dealings with the Snake River Land Co., and in connection with that I have correspondence taken from the Park Service files, and identified as exhibits 28 to 44, inclusive. Some of these should be read in order to get the connection between the evidence that is submitted by these different witnesses.

Chairman NYE. Now, if the understanding is that these witnesses of whom you speak are to be excused after they testify, I think some understanding ought to be had relative to any opportunity that might be afforded to those who would want to question them or would want to contradict any of the testimony that they give, and I think that opportunity should be afforded them to do that while they are on the stand.

Mr. PICKETT. I think we have more or less made an arrangement to take care of that.

Senator NORBECK. Who are "we"?

Mr. PICKETT. The attorneys for the Snake River Land Co. and myself, if that is satisfactory to the committee.

Chairman NYE. Yes; if it is going to be understood in that way. Is it to be understood that if, when these witnesses testify this afternoon, it is desired by anyone to question them or if he desires to refute that testimony, he should make his wishes known at the time?

Mr. PICKETT. In the discussion with the attorneys, particularly with Mr. Hunter, I suggested that they take note of any of these witnesses, and if they have any contradictory evidence, it would be allowed to be put in, and they could also submit to me a line of questioning to these particular witnesses so far as their interests are concerned.

Chairman NYE. Wouldn't a great deal of time be saved if Mr. Hunter, for example, would be here to question the witnesses himself?

Mr. PICKETT. I have no objection to it. It might be expedited in the manner we have arranged, but I have no objection to Mr. Hunter asking any questions he wishes.

Chairman NYE. Very well. If there is any dissatisfaction with the opportunity which is afforded, if anyone is dissatisfied, he can make that known, and a different arrangement can be made. You may proceed.

Mr. PICKETT. These letters, marked for identification as exhibits 28 to 44, inclusive, are as follows [reading]:

EXHIBIT No. 28

JANUARY 29, 1929.

H. M. ALBRIGHT, Esq.,
Director National Park Service, Department of the Interior,
Washington, D.C.

DEAR MR. ALBRIGHT: In connection with our conversation of last Thursday evening with regard to pending entries, land held for cancelation, and land on

which final proof has been made but upon which patents have not been issued in the entire Jackson Hole area, I understand that you have taken up with the General Land Office and arranged so that no patents will be issued pending investigation by a representative of the General Land Office on the ground.

I have just received a note from Harold Fabian, written from the Capitol Limited, in which he tells me of a conference he had with the Commissioner of the General Land Office and at which time he arranged for a representative of that office to make a personal inspection of all of these properties in the Jackson Hole area as soon as the snow is off the ground. The thing that I want to be sure about is that pending the investigation no action will be taken towards the issuance of any patents.

Yours very truly,

(Signed) KENNETH CHORLEY.

EXHIBIT No. 29

JANUARY 29, 1929.

MR. RALPH S. KELLEY,
*Chief of Field Division, General Land Office,
Denver, Colo.*

MY DEAR MR. KELLEY: I transmit herewith copy of a letter from the Director of the National Park Service relative to entries made within the proposed elk refuge in the Jackson Hole country in Wyoming. It appears that the Director believes that many of these entries are fraudulent and not in good faith.

The office has not deemed it expedient to direct the register of the local land office to withhold the issuance of all final certificates in the townships involved, but the office desires that every proper precaution be taken to avoid passing fraudulent entries to final certificate and patent. You will, therefore, protest any final proof where you are not satisfied that the entryman has not made substantial compliance with the law, and take appropriate action as to entries and filings made under laws other than the homestead law.

Give the matter your careful attention.

Very respectfully,

(Signed) WILLIAM SPRY,
Commissioner.

EXHIBIT No. 30

JANUARY 31, 1929.

HORACE M. ALBRIGHT, Esq.,
Department of the Interior, Washington, D.C.

DEAR MR. ALBRIGHT: Thank you for your letter of January 30 with reference to the "entire" Jackson Hole area. I think we had better postpone any action on the "entire" area until we have another opportunity of discussing it. I have some thoughts in connection with this which I would like to convey to you for your consideration, so let us agree for the present at least that we will confine our efforts in connection with withdrawals, pending entries, land held for cancellation, etc., to the 15 townships in which we are now actively interested.

Very truly yours,

(Signed) KENNETH CHORLEY.

EXHIBIT No. 31

WASHINGTON, February 4, 1929.

MR. KENNETH CHORLEY,
New York, N.Y.

DEAR MR. CHORLEY: I have your letter of January 31 relative to the withdrawal of lands in townships 42 north, ranges 116 and 117 west.

As Mr. Cammerer wrote you on February 1 a form of Executive order has already been prepared and transmitted to the President, which if approved, will withdraw all lands in the Jackson Hole area in which you are interested, not already withdrawn by former Executive orders or not already included in forest reserves. This would, of course, place the entire township 42 north, range 116 west, under withdrawal, and the portion of township 42 north, range 117 west not in the national forest, that is sections 25, 26, 36, and 35.

Unfortunately, however, the basis for these withdrawals was that the withdrawal be made pending further consideration and study as to the desirability

of including them in the proposed elk refuge. This is the only argument we could use in favor of the withdrawal, inasmuch as the Grand Teton National Park has not yet been created, and we would not feel justified in asking for withdrawals for proposed extensions to a reservation not yet established.

Of course the Park Service assumes the responsibility of recommending these withdrawals and of the justification presented therefor, and officially at least the withdrawals could not be considered as being made on your behalf. Viewed from this angle, therefore, it would not seem that any confidence could be considered as having been violated.

Sincerely yours,

(Signed) HORACE M. ALBRIGHT,
Director.

EXHIBIT No. 32

MARCH 12, 1929.

DEAR Mr. CHORLEY: Reference is made to the question you raised today relative to the status of the Le Page entry which includes lots 2, 3, 4, and 5, and $S\frac{1}{2}NW\frac{1}{4}$ sec. 28, $E\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ sec. 29, lots 1, 2, 3, 4, $NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ sec. 32, and lot 2, sec. 33, all in T. 44 N., R. 115 W., and lot 1, sec. 5, T. 43 N., R. 115 W.

Under date of February 8 we wrote you that the General Land Office had advised that final certificate on this tract had been issued on December 4, 1928, that it had been approved for patent and that patent would issue within the next few days and that on the basis of that information we had shown the tract as patented land. On further inquiry at the Land Office today, however, it develops that patent has not been issued and that because of the fact that we sometime ago requested the Land Office to scrutinize all entries in the Jackson Hole area very carefully before issuing final patents or final certificates, they are withholding issuance of patents and final certificates until such time we give them a clearance. In other words they will not issue any additional patents or final certificates that we care to protest. However, they are anxious that we report the specific entries which we think should be protested and further investigated in order that bona-fide claims will not be necessarily delayed.

It is suggested, therefore, that you send us a list of those entries on which patents have not been issued and which you feel should be protested and we will call upon the Land Office to specifically investigate these entries further. In submitting this list you should give the reason for believing the entries were illegally or fraudulently made. The fact that it is apparent in any case that the entry was made for the purpose of reselling the lands involved to you at a profit rather than for bona-fide homestead purposes would be a sufficient reason for our asking that the entry be further investigated.

I would suggest that this list include every entry that can be reasonably questioned and at the same time we should be in a position to advise the Land Office that we do not contemplate protesting any of the other entries and that so far as we are concerned they may proceed to issue patents thereon.

Sincerely yours,

(Signed) ARNO B. CAMMERER,
Associate Director.

EXHIBIT No. 33

MARCH 18, 1929.

HORACE M. ALBRIGHT, Esq.,

*Director National Park Service, Department of the Interior,
Washington, D.C.*

DEAR HORACE: I am very much gratified and, at the same time perplexed at Cam's letter of March 12, as I find myself in somewhat the position of the man who wanted the world with a fence around it and after he got it didn't know what to do with it.

According to our records within our purchasing area there are 38 pending entries and 9 certificates issued awaiting patent, making a total of 47 parcels, representing 8,625.37 acres.

When Mr. Miller was here in January we did not have a complete list of pending entries and did not go over the lists we did have with a view of having him specifically designate which he thought should be contested. In going over the schedules generally, however, he did in a more or less off-hand way designate 9 pending entries which he thought should be looked into. Of course, you can

realize that he is in a very delicate situation in this matter. Even with the ones which he suggested should be investigated he did not give us any clear idea as to his grounds for suggesting that they be contested, so we find ourselves in the position of having the very distinct feeling which, I am sure, is shared by you, that by far the large majority of these pending entries and final certificates should be contested, but for us to sit down and state in each specific case our grounds for feeling that they should be contested is another thing.

What is your suggestion as to how we go about this? The only solution that I see, and I am afraid that it is an inadequate one perhaps largely from the point of view of time, would be to send Joe Allen a list of all these pending entries and final certificates. As I understand it, there are grazing homesteads which require certain things like water, etc.; there are timber and stone claims which require certain things; there are regular homestead claims which require certain things. We can give him a list of the requirements for each pending entry and final certificate, have him make a personal inspection of every one of them, making up a statement with regard to each one, send it on to us and use that as our basis for recommending that the entry be challenged. The difficulty with that is that Joe Allen has just arrived in Jackson and he probably could not do it until the snow is off the ground which will be in another month or two, and by the time we get the information it will probably be summer, and as I understand it the Land Office has some of these parcels on which they wish to act as soon as possible.

Please show this letter to Cam so that he will know that I have his letter of March 12 in mind, and write me fully what you two gentlemen would suggest we do. I think it would be a good plan if you did not put this letter in your files.

Yours very truly,

EXHIBIT No. 34

MARCH 21, 1929.

Mr. KENNETH CHORLEY,
New York, N.Y.

DEAR KENNETH: I have your letter of March 18th and can readily realize the predicament you are in regarding the protesting of entries in the Jackson Hole area.

Yesterday I discussed this matter personally with the Commissioner of the General Land Office with the result that we have now arranged matters so that the Land Office will protest each and every entry in the area and will make special field investigations of each. In this way it will not be necessary for either you or this Service to appear in any way as protestants. It will therefore not be necessary for you to furnish the lists called for in our letter of March 12th. I am having a complete list of all entries made up here which will be transmitted to the Land Office for their information.

Very truly yours,

(Signed) HORACE M. ALBRIGHT.

EXHIBIT No. 35

MARCH 22, 1929.

The COMMISSIONER, GENERAL LAND OFFICE.

MY DEAR MR. COMMISSIONER: Reference is made to my telephone conversation with you on March 20 relative to further investigation of entries in the Jackson Hole area in Wyoming.

I am attaching hereto a list of all lands in township 42 north, ranges 115, 116, and 117 west; township 43 north, ranges 115 and 116 west; township 44 north, ranges 113, 114, 115, and 116 west; and township 45 north, ranges 113 and 114 west, on which entries have been made but patents have not yet been issued.

Very truly yours,

HORACE M. ALBRIGHT,
Director.

EXHIBIT No. 36

MARCH 27, 1929.

Mr. KENNETH CHORLEY,
New York, N.Y.

DEAR MR. CHORLEY: Reference is made to your letter of March 26 in which you request that a list of the entries in the Jackson Hole country which the Land Office is protesting be furnished you.

The Land Office is protesting every single entry in 15 townships involved and will make a further field investigation in each case. All of these entries are included in the attached list which we prepared a few days ago for the information of the Land Office and is we believe fully complete.

Sincerely yours,

ARNO B. CAMMERER,
Associate Director.

EXHIBIT No. 37

NATIONAL PARK SERVICE,
OFFICE OF ASSOCIATE DIRECTOR,
April 4, 1929.

ARNO B. CAMMERER, Esq.,
*National Park Service, Department of the Interior,
Washington, D.C.*

DEAR MR. CAMMERER: Thank you for your letter of April 3, enclosing copy of a letter dated January 29, 1929, from Mr. William Spry, Commissioner of the General Land Office, to Mr. Ralph S. Kelley, Chief of the Field Division, Denver, Colo., requesting that proof of entries in the Jackson Hole country be protested.

Your letter of April 3 states that Mr. Kelley was directed to review carefully all Jackson Hole entries. You will note, in the first paragraph of the communication of January 29 to Mr. Kelley, that reference is made to the investigation of entries within the proposed elk refuge. We assume that the complete list of all the entries to be protested, which you sent to us on March 27, supersedes any other instructions you may have forwarded to the General Land Office, who undoubtedly has so notified the field office. We would appreciate hearing from you to this effect.

Yours very truly,

KENNETH CHORLEY.

EXHIBIT No. 38

APRIL 5, 1929.

MR. KENNETH CHORLEY,
New York, N.Y.

DEAR MR. CHORLEY: Reference is made to your letter of April 4 questioning the sufficiency of the letter of instructions from the Commissioner of the General Land Office to Mr. Ralph S. Kelley, Chief of Field Division, Denver, Colo., dated January 29, 1929, regarding the investigation of the Jackson Hole entries.

I should have sent you a copy of the Acting Commissioner's letter of March 29 with which he transmitted a copy of these instructions to us. Herewith is a copy of said letter, which I think shows clearly that it is the intention that all entries included in the list we furnished the Land Office on March 22, copy of which was sent to you, shall be fully investigated. A copy of the revised list of final certificates issued transmitted to you on April 3 was also furnished the Land Office, so that they are fully advised up to date.

Sincerely yours,

ARNO B. CAMMERER,
Acting Director.

EXHIBIT No. 39

YOSEMITE NATIONAL PARK SERVICE,
April 16, 1929.

HORACE M. ALBRIGHT, Esq., *Director,*
Care of Superintendent Yellowstone National Park, Calif.

DEAR MR. ALBRIGHT: You will be interested in the enclosed summary of the land in the Jackson Hole area under investigation by the General Land Office as related to our purchasing program, and will note that of the total of 8,906 acres under investigation there are 6,499.96 acres of unpatented land at an estimated cost of \$221,166 which are included in our schedules of March 15, 1929; and 466.29 acres in the status of final certificate issued at an estimated cost of \$14,040 which is under independent negotiation with Corse; making a total of 6,966.25 acres under investigation in our purchasing area, at an estimated cost of \$235,206.

Yours very truly,

KENNETH CHORLEY.

EXHIBIT No. 40

WASHINGTON, April 23, 1929.

MR. KENNETH CHORLEY,
New York, N.Y.

DEAR MR. CHORLEY: I have your letter of April 20 with further regard to the entries of Cyrus Ray Ferrin, John M. Graham, and Joseph C. Le Page, in the Jackson Hole area.

In these three instances the General Land Office feels that on the basis of investigations already made, it has been established that the laws have been fully complied with and that there are no grounds upon which special field investigations can be justified. It is not contemplated that further investigations of these entries will be made.

In connection with the remaining entries on which final certificates have been issued, that is, those of Angela R. Corse, and Irving P. Corse, in sections 12 and 13, T. 43 N., R. 116 W., further field investigation is to be made, these entries having already been protested by the Denver office of the General Land Office even though final certificates have already been issued.

It was not our understanding that the General Land Office would make a special field investigation of all of the Jackson Hole entries, but that it would review and closely scrutinize the records of all entries made and would make special field investigations only in those instances where there was reasonable doubt as to compliance with the law on the part of the entryman.

I think it would be advisable for you to start negotiations at once with Le Page, Ferrin, and Graham, as there seems to be no question but that patents will issue.

Sincerely yours,

ARNO B. CAMMERER,
Acting Director.

EXHIBIT No. 41

APRIL 24, 1929.

MR. ARNO B. CAMMERER,
National Park Service, Department of the Interior,
Washington, D.C.

DEAR MR. CAMMERER: Thank you for your letter of April 23 regarding investigation of pending entries in the Jackson Hole area by the General Land Office. We note that the investigation of the entries of Cyrus Ray Ferrin, John M. Graham, and Joseph C. Le Page have been concluded and that it is not contemplated to make further investigations of them. In this connection, we assume that the entries cover the tracts in the various townships as follows:

Final certificate issued

	Acres
Cyrus Ray Ferrin:	
T. 44 N., R. 113 W., sec. 6.....	269.55
T. 44 N., R. 114 W., sec. 1.....	98.02
T. 45 N., R. 113 W., secs. 31 and 32.....	280
John M. Graham:	
T. 44 N., R. 114 W., sec. 1.....	97.56
T. 45 N., R. 113 W., sec. 31.....	137.79
T. 45 N., R. 114 W., sec. 36.....	390.29
Joseph C. Le Page:	
T. 45 N., R. 115 W., sec. 5.....	40.58
T. 44 N., R. 115 W., secs. 28, 29, 32, 33.....	598.48

In the third paragraph of your letter you state that further field investigation is to be made on the remaining entries on which final certificates have been issued, namely, those of Angela R. Corse and Irving P. Corse in sections 12 and 13 in T. 43 N., R. 116 W. There should be included, according to the list of final certificates issued, lot 4 in sec. 18, T. 43 N., R. 115 W., 36.97 acres, Angela R. Corse, entryman.

We note that it is not your understanding that the General Land Office will make a special field investigation of all the Jackson Hole entries but that it will watch closely the records of all entries made and will make special field investigations only in those instances where there is reasonable doubt of compliance with the law. In Mr. Albright's letter to me of March 21, he stated that he had discussed the protesting of entries personally with the Commissioner of the General Land Office and that an arrangement was reached whereby the Land Office

would protest each and every entry in the area and would make a special field investigation of each. Later, your letter of March 27 stated that the Land Office was protesting every single entry in the 15 townships and would make a further field investigation of each case. When Mr. Fabian called on the Commissioner of the Land Office in January, he reported a satisfactory conference with Commissioner Spry who assured him that he would send a man out as soon as the snow was off the ground and examine all pending entries. So far, we have had no word that a special person has been sent out to do this work.

In view of the foregoing assurances that we have had that the entries in our area would be protested and a special field investigation would be made in each case, we feel that no patents should be issued on the remaining entries until such time as investigations have been made on the ground.

There is so much involved in this matter, both from the point of view of land and money that I think it would be well worth while that you take the matter up with the person who is now in charge of the General Land Office and with the Secretary, if necessary. I am perfectly sure that he would be very sympathetic toward our position, and before we pay large sums of money for relinquishments of these entries I should like to have advice from the Secretary that it is necessary for us to do so.

The reason that I may appear to be overinsistent on this matter is, first, the very definite assurances which we have had in Mr. Albright's letter of March 21, your letter of March 27, and Mr. Fabian's conversation with former Commissioner Spry. At a conference which was held in New York early in January, at which Mr. Albright, Mr. Webb, our Jackson Hole agent, and I were present, it was the consensus of opinion that in a great many instances the paper records in the General Land Office would show that these entries had been made in good faith and that the statutory requirements had been complied with but that a personal investigation on the ground would, in a great many instances, show that the entries had not been made in good faith and that the statutory requirements had not been complied with. With this background and the assurances which we had received, we were somewhat taken back by receiving word that without any such personal investigation on the ground the Land Office was going to issue patents covering three of the very largest groups of entries in the area.

In view of the foregoing, we have decided not to approach the entryman of these parcels until we hear from you again. I would appreciate it if you would write me promptly.

Yours very truly,

KENNETH CHORLEY.

P.S.—For your personal and confidential information, you might like to know that there is about a quarter million dollars at stake in this whole situation of pending entries and final certificates.

EXHIBIT No. 42

WASHINGTON, December 11, 1928.

COMMISSIONER, GENERAL LAND OFFICE,
Interior Department.

Sir: Following up conference between Assistant to the Director G. A. Moskey of this Service and Assistant Commissioner of the General Land Office, T. C. Havell, I quote below from letter received from Mr. Kenneth Chorley, 61 Broadway, New York City, in regard to the advisability of taking some action with a view to canceling homestead entries within the Jackson Hole area which have been pending beyond the period prescribed by law for the filing of application for patent

"The last paragraph of your letter prompts me to raise the question as to whether or not a check has been made to determine if any of the pending entries in the Jackson Hole area have been 'pending' longer than 5 years and if so, in view of the program for the development of this area, would it not be wise to have these entries canceled?"

We understand that your office is willing as a matter of cooperation in this matter to make a special examination of pending homestead entries within the area of the Jackson Hole withdrawals for the purpose of taking action in those cases which may be canceled by reason of failure to file final application within the statutory period.

Very truly yours,

(Signed) ARNO B. CAMMERER,
Acting Director.

EXHIBIT No. 43

WASHINGTON, December 11, 1928.

Mr. KENNETH CHORLEY,
Room 3006, 61 Broadway, New York, N.Y.

DEAR MR. CHORLEY: This will acknowledge the receipt of your letter of December 9 with reference to information furnished you under date of December 6, in regard to the statutory life of homestead entries, and we note your inquiry prompted thereby as to whether or not a check has been made to determine if any of the pending entries in the Jackson Hole area have been pending longer than 5 years, and if so, in view of the program for the development of this area, whether it would not be wise to have these entries canceled; also your further inquiry as to whether the Board of Equitable Adjudication has been notified as to the program for this area so that consideration may be given this fact in considering any applications for the issuance of patents where the entry has been pending over and above the 5-year period.

We have just discussed your letter with the Assistant Commissioner of the General Land Office here and are informed that the matter of checking homestead entries with a view to taking action toward canceling those which have been outstanding beyond the statutory period of 5 years is a routine function of that office and is being checked up as far as the personnel of that Office is prepared to look into these matters, but that they were considerably behind in this work. However, upon the request of this service the General Land Office will make a special study of the area included in the Jackson Hole withdrawals so as to give us this information in regard to this particular area in the next few days. I will be glad to advise you further in this regard upon receipt of their report.

As to the advisability of notifying the Board of Equitable Adjudication as to the program for this area, we are advised that that Board would necessarily be advised of this fact in the consideration of applications for patent by reason of the temporary withdrawals of this area by Executive orders in aid of legislation for game protection. We were further advised that it is not likely that anything could be done by this Board with a view to withholding equitable relief in the case of such applications as may be made for patent within this area by entrymen where equities are found to exist. In other words, it was explained to us that the purpose of this Board as created by statute, is to protect entrymen who, having complied with all the requirements of law but through some matter of form, may not legally be entitled to a patent. As an example, the case was stated where an entryman who had conscientiously complied with all the requirements of law with regard to homestead entries but through sickness or other reason failed to put in a final application within the period prescribed by law. Under these circumstances the applicant would not legally be entitled to his patent but the Board of Equitable Adjudication would be bound to recognize the equities and is authorized by law to waive such matters of form as were not complied with. In view of the purposes of this Board it could not take any different action in the case of such equities arising within the area which has been withdrawn and is now programmed for game protection purposes.

Sincerely yours,

(Signed) ARNO B. CAMMERER,
Acting Director.

EXHIBIT No. 44

NATIONAL PARK SERVICE,
OFFICE OF THE DIRECTOR,
December 19, 1928.

ARNO B. CAMMERER, Esq.,
NATIONAL PARK SERVICE,
Department of Interior, Washington, D.C.

DEAR CAM: The following are questions about which I would like information in connection with the Jackson Hole project.

Sec. 8 in T. 43 N., R. 115 W., is a pending entry consisting of 640 acres, and discussed by Albright in paragraph 4 of his letter to Fabian of December 5, 1928, of which you doubtless have a copy. Will you please let me know what the records show as to ownership of this tract? You will note that Albright is concerned about it, and that he indicates that it should be withdrawn.

Albright also refers to timber and stone claims in T. 44 N., R. 114 W., and 44 N., R. 115 W., probably sections 18, 19, and 25. Will you please let me know if the records show any such claims, and when and by whom they were made?

Yours very truly,

(Signed) KENNETH CHORLEY.

No T. & S. claims in secs. 18, 19. In sec. 25 the NE¼ was patented September 26, 1927.

P. S.—You will notice that Albright feels that the homesteading of section 6 should be contested. This is something which we, of course, cannot do. If there is any protesting to be done it will have to be done by some governmental agency.

Chairman NYE. What is the range of time covered by this correspondence?

Mr. PICKETT. From December 11, 1928, to January 29, 1929.

Senator NORBECK. I am not familiar with these letters, but, if I understand you right, it amounts to this—there were 47 of those claims granted to the claimants and 9 canceled, is that right?

Mr. PICKETT. That is my understanding, Senator.

Senator NORBECK. And the point of that whole thing, as I get it, is the letter of the Commissioner of the Land Office of the United States, in which he took final action and issued an order as to what should be done in all of these cases. Would you mind reading that again? I think he says that he should simply look for fraud——

Mr. PICKETT. Yes; that is the letter of January 29, 1929. The second paragraph is the one that you are interested in, and that says:

The office has not deemed it expedient to direct the register of the local land office to withhold the issuance of all final certificates in the townships involved, but the office desires that every proper precaution be taken to avoid passing fraudulent entries to final certificate and patent. You will, therefore, protest any final proof where you are not satisfied that the entryman has not made substantial compliance with the law, and take appropriate action as to entries and filings made under laws other than the homestead law.

Senator CAREY. And wasn't there another letter there following that from Mr. Chorley in which he protests against that?

Senator NORBECK. Mr. Chorley is a Government official?

Senator CAREY. No; he is an official with Mr. Rockefeller.

Senator NORBECK. Then he is an official in this thing?

Senator CAREY. Yes, but he didn't write official letters.

Mr. PICKETT. I do not find the letter of March 29 in these files referred to in any subsequent letter by Mr. Spry, but letters from Cammerer and Chorley refer to that letter.

TESTIMONY OF ROBERT W. DYER

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your full name?

Mr. DYER. Robert W. Dyer.

Mr. PICKETT. Where do you reside, Mr. Dyer?

Mr. DYER. My legal residence is Cheyenne, Wyo.

Mr. PICKETT. Are you employed at this time?

Mr. DYER. I am.

Mr. PICKETT. By whom?

Mr. DYER. By the Interior Department.

Mr. PICKETT. In what capacity?

Mr. DYER. My title at this time is special agent of the Division of Investigations.

Mr. PICKETT. What do your duties consist of?

Mr. DYER. My duties are to examine homesteads, deserts, isolated tracts, timber and stone claims, and any other fraud which may have been brought to the attention of the Department with reference to the public land laws.

Mr. PICKETT. How long have you been so employed?

Mr. DYER. I was appointed in April of 1911, and continued in that capacity until sometime in 1919, when I resigned, and I was out of the service for about 2 years. Since that time this has been my employment again.

Mr. PICKETT. Did you, in connection with your work, have occasion to come into this particular country here in Jackson Hole during the year 1929?

Mr. DYER. No, sir.

Mr. PICKETT. Did you at any time during the year following?

Mr. DYER. Yes, sir.

Mr. PICKETT. Do you recall when you came here?

Mr. DYER. I think it was in the latter part of June 1930.

Mr. PICKETT. Will you explain to the committee the circumstances under which you came?

Mr. DYER. I was operating under the immediate direction of Mr. Ralph S. Kelley, who was the Chief of the Field Division of the General Land Office, with headquarters at Denver, Colo., and when he handed me an assignment for the summer's work, I found in that assignment a number of cases that had to do with entries made in the Jackson Hole area.

Mr. PICKETT. Did you at that time, after you received that assignment, come directly to the Jackson Hole area?

Mr. DYER. No, sir.

Mr. PICKETT. Did you have any conversation after you received the assignment in regard to these entries with Mr. Kelley?

Mr. DYER. Yes, sir.

Mr. PICKETT. How long after you received the assignment did you have that conversation?

Mr. DYER. I would say immediately.

Mr. PICKETT. Will you state to the committee what the substance of that conversation was?

Mr. DYER. Mr. Kelley called me into his private office and said:

Now Dyer, with reference to the entries in the Jackson Hole country, I want you to be particularly technical regarding compliance with the law, as they are contemplating putting that into a game refuge, and we do not want any land to go to patent there unless they are fully justified in getting a patent.

Mr. PICKETT. Was there any further discussion had about that at that time?

Mr. DYER. No, sir.

Mr. PICKETT. Did you then come to the Jackson Hole area?

Mr. DYER. No, it was deemed too early to come at that time, taking into consideration the weather conditions, but I had a number of cases to work on in other parts of the country, which I proceeded to work on until such time as I thought the weather conditions were propitious for work here in this part of the country, and that proved to be either the latter part of June or the first part of July of 1930 when I came up here.

Mr. PICKETT. Just state what you did after you arrived here in connection with these entries.

Mr. DYER. I made what I thought was a very thorough investigation of the number of entries which had been assigned to me in this particular section, first working out of Jackson, and then going up beyond the town of Moran and working from a point in that vicinity on the entries that could be more readily reached from that location. All together, because of weather conditions and because of the more careful examination which I was instructed to make, it took me probably a month, or somewhere in the vicinity of a month. I remember quite well that we had a lot of rain during that time which impeded my work to quite an extent.

Mr. PICKETT. Do you recall how many entries you investigated?

Mr. DYER. No; I cannot. I cannot remember at all definitely, but I would say approximately 14.

Mr. PICKETT. How long would it ordinarily take you to investigate 14 similar entries?

Mr. DYER. Unless they proved to be particularly bad and the witnesses were considerably scattered, it generally takes about a day or a day and a half.

Mr. PICKETT. For each entry?

Mr. DYER. For each entry.

Mr. PICKETT. Now, in the time that you have been employed by the Department, have you ever had similar instructions to those?

Mr. DYER. No, sir.

Mr. PICKETT. Did you make any adverse reports on these entries as a result of your investigation?

Mr. DYER. Yes, sir.

Mr. PICKETT. Did you make any adverse reports because of the additionally technical investigation that you were to make?

Mr. DYER. No; I cannot say that I did. I think that my reports would have been just the same if I had not received those instructions as if I had, because those who had complied with the law, in my opinion, had made a very good compliance, and those on whose entries I submitted adverse reports seemed to be flagrantly bad.

Mr. PICKETT. Do you know whether or not these adverse reports were accepted and the entries canceled?

Mr. DYER. I heard nothing more about them. We very rarely do, unless, as a result of the adverse report, the entryman asks for a hearing, in which event the hearing is granted and the person who makes the adverse report is generally required to be present.

Mr. PICKETT. When you are assigned certain work, are you given the file on that entry?

Mr. DYER. Yes, sir.

Mr. PICKETT. Did you discover any correspondence in any of these files from Mr. Webb?

Mr. DYER. A letter in particular that I recall was signed by a gentleman signing himself as Vanderbilt Webb in the case of the additional entry of a man named Chapline up near the post office of Elk, Wyo.

Mr. PICKETT. Did you make a report on that entry?

Mr. DYER. I did not, for the reason that before the field season was over and it was time for me to submit my report, the entry had been relinquished, much to my surprise.

Mr. PICKETT. Then, I understand your testimony to be that the special instructions did not affect your reports in these particular entries?

Mr. DYER. No; I think I would have reported just the same under ordinary conditions as I found them.

Mr. PICKETT. I have nothing further.

Senator NORBECK. How many adverse reports did you make on those 14 you examined?

Mr. DYER. That has been 3 years ago, Senator.

Senator NORBECK. Oh, approximately?

Mr. DYER. I can only recall definitely 3.

Senator CAREY. What were they?

Mr. DYER. John P. Budge was one—I don't know why I remember that name so well, but I do—and the other two I cannot recall the names. The one was a case where there was absolutely no improvements of any kind on the entry, and the other was where there was nothing but a tumble-down cabin.

Senator NORBECK. So no injustice resulted to any settler from the instructions given you or from your work done in the valley at that time?

Mr. DYER. I hope not.

Senator NORBECK. And if anyone asked for a hearing where you reported adversely, you would have had notice of it, you say, in case of a hearing being asked for?

Mr. DYER. Yes, sir.

Senator NORBECK. Therefore, even the homesteaders accepted your report?

Mr. DYER. Well, I should think that is true.

Senator CAREY. Mr. Dyer, those instructions that you had from Mr. Kelley to be particularly technical, did you take that to mean that you should make an adverse report if possible, if you could find any reasons for it?

Mr. DYER. Yes, I did.

Senator CAREY. And isn't it the fact that you came up here with the idea of giving the people a fair deal regardless of those instructions?

Mr. DYER. Yes, sir.

Senator CAREY. I believe you told me that on one occasion, that the people would be treated fairly regardless of that?

Mr. DYER. Yes, sir; I would report the conditions as I found them and leave it to the Department whether I had reached the right conclusion.

Senator NORBECK. Which would be in harmony with the letter from Commissioner Spry which was read here?

Mr. DYER. I know nothing about that, Senator.

Senator NORBECK. And it would have been in absolute harmony—your work was in absolute harmony with the rules and orders of the Commissioner of the General Land Office as disclosed here this afternoon, wasn't it?

Chairman NYE. I do not think the witness heard the letter read, Senator.

Mr. DYER. No, I couldn't hear that very distinctly.

Senator NORBECK. He said, "except in case of fraud or illegal entry."

Mr. DYER. I think that is true in every case, and I do not think that they want us to stultify our orders, but I think the instructions I got indicated that I should go into these entries more in detail than is usually the case.

Senator NORBECK. I have nothing more, Mr. Chairman.

Mr. PICKETT. That is all that I have.

Chairman NYE. That is all, then. Thank you.

(Whereupon, the witness was excused.)

TESTIMONY OF PERRY T. WILLIAMS

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your full name, please?

Mr. WILLIAMS. Perry T. Williams.

Mr. PICKETT. Where do you reside, Mr. Williams?

Mr. WILLIAMS. My legal residence is Denver, Colo.

Mr. PICKETT. And you are employed by the Department of the Interior?

Mr. WILLIAMS. I am.

Mr. PICKETT. In what capacity?

Mr. WILLIAMS. As a special agent of the Division of Investigations.

Mr. PICKETT. How long have you been so employed?

Mr. WILLIAMS. For about 5½ years.

Mr. PICKETT. What are your duties in connection with that employment?

Mr. WILLIAMS. To make examinations and investigations of any public-land entries that may be assigned to me.

Mr. PICKETT. In the course of that employment have you at any time in recent years had occasion to investigate entries within the Jackson Hole area?

Mr. WILLIAMS. Yes; I have.

Mr. PICKETT. When?

Mr. WILLIAMS. In 1929.

Mr. PICKETT. Have you had any since then?

Mr. WILLIAMS. No, sir.

Mr. PICKETT. And where were you at the time you were sent here?

Mr. WILLIAMS. I was at Rawlins, Wyo.

Mr. PICKETT. Will you state the circumstances of how you happened to come to this particular country?

Mr. WILLIAMS. I was about to complete the assignment out of Rawlins, Wyo., upon which I was working, when I received another assignment from Mr. Ralph S. Kelley. That assignment contained several cases near Dubois, Wyo., some in Jackson Hole, and some near Pinedale, and some near Big Piney, Wyo.

Mr. PICKETT. Did you have any different instructions relative to the investigations that you were to make here than you had in any other of your investigations?

Mr. WILLIAMS. No, sir; I did not.

Mr. PICKETT. Do you recall when you arrived here, or about the time?

Mr. WILLIAMS. I arrived in Jackson about the 6th or 7th of August, I believe.

Mr. PICKETT. Did you know that Mr. Dyer had been here previous to that time?

Mr. WILLIAMS. No, sir; I did not.

Chairman NYE. According to the testimony, he was here prior to Mr. Dyer.

Mr. PICKETT. Yes; I think that is right.

You say you were here in 1929?

Mr. WILLIAMS. Yes, sir.

Mr. PICKETT. Do you recall what entries you examined?

Mr. WILLIAMS. I have the quadrangle sheet that I used at the time, and it has most of the entries on. Do you want the names?

Mr. PICKETT. Yes; if you have them there, please.

Mr. WILLIAMS. Hardeman, LePage, Farquhar, Hobbs, Fleming, Edmiston, Ferrin—and I think I got three timber and stone cases that are not shown on these diagrams.

Mr. PICKETT. Did you make any adverse reports on those?

Mr. WILLIAMS. I did.

Mr. PICKETT. Do you recall how many?

Mr. WILLIAMS. Two.

Mr. PICKETT. Do you know whether or not anything was done about those?

Mr. WILLIAMS. One of the cases went to hearing, and the other case, I believe, was canceled through expiration, no proof ever having been made on it.

Mr. PICKETT. Do you remember the name of that one?

Mr. WILLIAMS. That was the Farquhar.

Mr. PICKETT. And which one was the one that went to hearing?

Mr. WILLIAMS. The Ferrin went to hearing.

Senator CAREY. Which Ferrin was that?

Mr. WILLIAMS. I believe that was Robert Ferrin.

Senator NORBECK. Was that a stock-raising claim?

Mr. WILLIAMS. No, sir; that was a homestead.

Senator NORBECK. That's all. Go ahead.

Mr. PICKETT. Was that case finally disposed of?

Mr. WILLIAMS. It is still pending before the Department.

Mr. PICKETT. When you arrived here, Mr. Williams, did you have any conversation with anyone connected with the Snake River Land Co.?

Mr. WILLIAMS. Yes; I did. I met Mr. Fabian, I think, on the day of my arrival here.

Mr. PICKETT. Where did you meet him?

Mr. WILLIAMS. I met him at the office of the park superintendent.

Mr. PICKETT. State what happened there.

Mr. WILLIAMS. I had gone there to get some maps or anything that might help me in investigating the entries in Jackson Hole, and then I was introduced to Mr. Fabian by either the park superintendent or the chief ranger. We talked for some time there. There was a little incident there that happened that caused me to be rather careful of any connection with the Snake River Land Co., or anyone else, and after that I had no connection or cooperation with either the Snake River Land Co. or the Park Service.

Mr. PICKETT. What was that incident?

Mr. WILLIAMS. One of the employees of the Snake River Land Co.—at least, I assumed he was an employee, and that is my recollection now—asked me to pose as a land buyer and go to see Mr. Richards and see what he wanted for his land. I consented to the proposition for the time being and we went and talked to Mr. Richards. I am afraid I was not very successful in posing as a land buyer, but, nevertheless, after we had returned to the park headquarters I went in my car to see Mr. Richards again and explained to him who I was and

what I was doing in this vicinity, and that we should consider this incident as a practical joke.

Mr. PICKETT. How did you happen to make that trip?

Mr. WILLIAMS. How?

Mr. PICKETT. No; why?

Mr. WILLIAMS. Well, I knew nothing of the activities of the Snake River Land Co., and I thought I might gain some information from the trip.

Mr. PICKETT. Why did that cause you to have nothing further to do with the Snake River Land Co.?

Mr. WILLIAMS. I didn't care particularly about being asked to pose as someone else.

Mr. PICKETT. Were you asked to do anything relative to the pending entries?

Mr. WILLIAMS. No, sir.

Mr. PICKETT. Did you discuss that matter with Mr. Fabian?

Mr. WILLIAMS. Mr. Fabian offered his cooperation in any investigation of any entry that I had in the Jackson Hole.

Mr. PICKETT. Did he state what that cooperation would be?

Mr. WILLIAMS. Merely assistance in ascertaining the facts in connection with the cases.

Mr. PICKETT. Did you accept that?

Mr. WILLIAMS. I did not.

Mr. PICKETT. Were the investigations made purely on your own investigation and reports made as a result of your investigations?

Mr. WILLIAMS. Yes, sir.

Mr. PICKETT. And were made the same as if you had not contacted any of the agents of the Snake River Land Co.?

Mr. WILLIAMS. Yes, sir; they were.

Mr. PICKETT. And any contact there with these people did not influence you in any manner?

Mr. WILLIAMS. It did not.

Mr. PICKETT. Did you investigate the Cy Ferrin claim at that time?

Mr. WILLIAMS. No, sir.

Mr. PICKETT. It was the Robert Ferrin claim?

Mr. WILLIAMS. Yes, sir.

Mr. PICKETT. Do you recall who that employee was, the name of that employee that you referred to?

Mr. WILLIAMS. I do not recall his name; no, sir.

Mr. PICKETT. Could you describe him?

Mr. WILLIAMS. No; I believe I cannot.

Mr. PICKETT. Did you ever see him after that?

Mr. WILLIAMS. I don't believe so.

Senator ASHURST. Did you know his name at that time?

Mr. WILLIAMS. Yes, sir; I did.

Senator ASHURST. Did you put it down in your diary?

Mr. WILLIAMS. No, sir; I did not.

Senator ASHURST. Do you keep a diary?

Mr. WILLIAMS. No, sir.

Senator ASHURST. Have you been asked before by any person to do such a thing—that is, to pose as a person different from your own occupation?

Mr. WILLIAMS. No, sir; I have not.

Senator ASHURST. Who was present when you were asked to assume this character that was not natural?

Mr. WILLIAMS. I don't know whether I was asked that in the office or outside the office. I don't recall whether there was anyone else present or not.

Senator ASHURST. How far did you go to interview this homesteader to whom you were posing as a purchasing agent?

Mr. WILLIAMS. Just a matter of a few miles; 4 or 5 miles, I believe.

Senator ASHURST. How did you go—by automobile or horse or—

Mr. WILLIAMS. Yes, sir; by automobile.

Senator ASHURST. In whose automobile?

Mr. WILLIAMS. It belonged to the party I went with, I think.

Senator ASHURST. It belonged to the man whose name you do not know?

Mr. WILLIAMS. Yes.

Senator CAREY. Was Mr. Woodring present when you were at the ranger station?

Mr. WILLIAMS. I believe he was; yes, sir.

Senator CAREY. Perhaps he might know who he was.

Mr. WILLIAMS. He might, but I think Mr. Richards would know.

Senator ASHURST. If Mr. Richards knows, he him say so. Is Mr. Richards present?

Mr. RICHARDS. Yes, Mr. Chairman.

Chairman NYE. Did you hear all of this testimony?

Mr. RICHARDS. I heard most of it.

Chairman NYE. Who was the gentleman to whom he is referring, whose name he cannot recall? Who was the gentleman that drove him to your ranch?

Mr. RICHARDS. I do not believe I just remember now.

Chairman NYE. All right.

Mr. FERRIN. Was it the same fellow that took you up to the Ferrin ranch? I believe I know who that is.

Mr. PICKETT. How did you happen to assume that this man was an employee of the Snake River Land Co.?

Mr. WILLIAMS. I think I was introduced to him as such.

Mr. PICKETT. How long had you been there?

Mr. WILLIAMS. Just a matter of half an hour or an hour.

Mr. PICKETT. And within that time you went out and he asked you to pose as a buyer and you did that?

Mr. WILLIAMS. Yes, sir.

Mr. PICKETT. How did you happen to do that on such short acquaintance?

Mr. WILLIAMS. Well, I did not take it to heart; it was merely a joke, more or less.

Senator ADAMS. When you went up to see Richards what did you say to Richards—what was your conversation as a prospective land buyer?

Mr. WILLIAMS. I think these other gentlemen did practically all of the talking.

Senator ADAMS. You really did not take much part in it?

Mr. WILLIAMS. No, sir; I did not.

Senator ADAMS. You did not make any argument relative to the lands, or prices, or anything?

Mr. WILLIAMS. No, I am afraid I was a failure as to that.

Senator ADAMS. You do not think you contributed very much to whatever the result might have been?

Mr. WILLIAMS. No; I think not.

Mr. PICKETT. In any event, you did not come back any more, and they did not influence you in your examination?

Mr. WILLIAMS. No, sir; they did not.

Senator ASHURST. It appears from your testimony that, after you reflected upon the pose you assumed, you thought it was too serious as a practical joke? Did you tell him afterwards it was a joke?

Mr. WILLIAMS. I did; immediately afterwards.

Senator ASHURST. In whose automobile did you go that time?

Mr. WILLIAMS. It belonged to the Government.

Senator ASHURST. Were you alone?

Mr. WILLIAMS. Yes, sir.

Senator NORBECK. You examined how many cases in the Jackson Hole on that trip?

Mr. WILLIAMS. I believe I examined 10 cases.

Senator NORBECK. You reported favorably on all but two?

Mr. WILLIAMS. Yes.

Senator NORBECK. And one of the other two was abandoned by the entryman?

Mr. WILLIAMS. Yes.

Senator NORBECK. And the other is still pending?

Mr. WILLIAMS. Yes.

Senator CAREY. Did you examine Winger's stone claim at that time?

Mr. WILLIAMS. No, sir; I did not.

Senator CAREY. You examined three stone claims?

Mr. WILLIAMS. Yes.

Senator CAREY. Where were they?

Mr. WILLIAMS. There was three south on Wilson.

Senator CAREY. They were not in this area up here?

Mr. WILLIAMS. No, sir; they were not.

Senator ASHURST. You say Mr. Fabian was present when you called at the office of the National Park superintendent?

Mr. WILLIAMS. Yes.

Senator ASHURST. Who was superintendent at that time?

Mr. WILLIAMS. Woodring.

Senator ASHURST. Mr. Fabian was present, and does he know with whom you went to see Mr. Richards?

Mr. WILLIAMS. No, sir; I do not know.

Chairman NYE. Mr. Fabian, do you know who accompanied Mr. Williams?

Mr. FABIAN. No, sir; I have not heard of any such incident before. The only people authorized to purchase land was Mr. Miller and Mr. Winger, and if there was someone else to whom he talked it was somebody who was not authorized to represent the Snake River Land Co.

Chairman NYE. Was this party either Miller or Winger?

Mr. WILLIAMS. No, sir; he was not.

Mr. PICKETT. That is all.

(Witness excused.)

TESTIMONY OF WILLIAM L. STILLSON

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please?

Mr. STILLSON. William L. Stillson.

Mr. PICKETT. Where do you live, Mr. Stillson?

Mr. STILLSON. I live on the Hoback River.

Mr. PICKETT. How long have you lived in this valley?

Mr. STILLSON. I think it is about 35 years.

Mr. PICKETT. Where did you live prior to removing to the Hoback Canon?

Mr. STILLSON. I lived in Jackson.

Mr. PICKETT. Did you formerly live in the Flat Creek country?

Mr. STILLSON. You mean Spread Creek?

Mr. PICKETT. Yes; Spread Creek.

Mr. STILLSON. Yes, sir.

Mr. PICKETT. You owned property there?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. How much?

Mr. STILLSON. One hundred and seventy-seven acres.

Mr. PICKETT. Did you dispose of that property to the Snake River Land Co.?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. Who did you deal with in closing this deal?

Mr. STILLSON. Mr. Winger.

Mr. PICKETT. Did he come to see you on several occasions?

Mr. STILLSON. No; I do not believe he came to the ranch to see me.

Mr. PICKETT. Did you see him in other places?

Mr. STILLSON. I saw him in Jackson once; he asked me to go with him for a little while in his car, and we talked.

Senator ASHURST. A little bit louder, please.

Mr. STILLSON. All right, do you want me to repeat the last?

Senator ASHURST. Yes; please.

Mr. STILLSON. What was the question?

Chairman NYE. You said Winger took you in his car?

Mr. STILLSON. Yes. He called me off in town one time to talk to him a little while in his car; that was before the time I sold the place.

Mr. PICKETT. How many conversations did you have with him before you finally agreed to sell, Mr. Stillson?

Mr. STILLSON. Two is all I can remember; one here, and one at the time I did sell, is all I can remember.

Mr. PICKETT. Were you made an offer for your place at the first meeting?

Mr. STILLSON. No.

Mr. PICKETT. How long after that first meeting did you meet him again?

Mr. STILLSON. Well, I could not say; it has been 4 years ago, but it was the same season.

Mr. PICKETT. He came to your place at that time?

Mr. STILLSON. No, sir; he came to Mr. Eynon's ranch, down about 5 miles south of my place, and had someone phone for me to come down.

Mr. PICKETT. And you went down to Eynon's?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. How long were you there before you agreed to sell your place?

Mr. STILLSON. Well, it might have been an hour or an hour and a half.

Mr. PICKETT. And what price did you finally agree to accept for your land?

Mr. STILLSON. \$35 an acre.

Mr. PICKETT. Was that a fair price?

Mr. STILLSON. Well, it might have been fair. I was really holding for a little more; I thought it was worth more.

Mr. PICKETT. What were you doing for a living? How did you make a living?

Mr. STILLSON. I was handling hunting parties in the fall, and in the summer I had some summer business, some pack trips; I depended entirely upon that for a living.

Mr. PICKETT. You are a hunter and a guide?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. Is that particular locality a favorable location for your business?

Mr. STILLSON. It was; very good.

Mr. PICKETT. Did you have any conversation with Mr. Winger relative to the rights of the Government to condemn your place?

Mr. STILLSON. Well, I could not swear to that.

Mr. PICKETT. Did you ever tell me that you did?

Mr. STILLSON. I might have, but I was not under oath.

Senator ASHURST. Do you desire us to understand that you might tell one story under oath, and tell it differently when not under oath?

Mr. STILLSON. When I was not entirely sure I would not want to say.

Senator ASHURST. Did you, as a matter of fact, tell Mr. Pickett or anyone else that someone had threatened you with condemnation proceedings if you did not sell?

Mr. STILLSON. You say, did someone?

Senator ASHURST. Did anyone tell you that?

Mr. STILLSON. Yes; they told me that.

Senator ASHURST. Who told you that?

Mr. STILLSON. That is something I do not want to swear to under oath.

Senator ASHURST. Did anybody tell you?

Mr. STILLSON. Yes.

Senator ASHURST. Are you sure it was not Mr. Winger?

Mr. STILLSON. No.

Senator ASHURST. Did that induce you to sell?

Mr. STILLSON. It had some bearing, yes.

Senator ASHURST. In other words, in a serious transaction involving the sale of your place, someone told you if you did not sell you might be condemned, but you do not know who it was that told you?

Mr. STILLSON. Yes.

Mr. PICKETT. Did I understand you to say, Mr. Stillson, that you would not have sold for that price had you not felt you might be condemned?

Mr. STILLSON. Yes; there was that, and other things.

Chairman NYE. What other things?

Mr. STILLSON. One of them was our school. I have a family, and our school had just recently burned down, and most of the neighbors had sold and left, and it looked as if I would not be able to have a school there. Another one was the mail route, which was—there had been some talk of having it changes to the other side of the valley, which did happen very shortly, and it was not very desirable, it would not be, to live under those conditions with a family.

Mr. PICKETT. How long had you lived there?

Mr. STILLSON. About 15 years.

Senator NORBECK. You had homesteaded it?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. Mr. Stillson, in your knowledge of this right to condemn, were you informed that this would include the appointing of disinterested appraisers, and that the value of your land would be put on or fixed according to sales, and that a jury might be used to determine the value of your land?

Mr. STILLSON. Yes; I think I had something of that kind of an understanding.

Mr. PICKETT. Who gave you that?

Mr. STILLSON. Well, that is what I do not know for sure.

Mr. PICKETT. You had no doubt about that, but did you know that your rights could be protected in a court?

Mr. STILLSON. No; I didn't.

Chairman NYE. Did you try to ascertain whether they would be protected?

Mr. STILLSON. Well, I really did not have a chance. It was somewhere along about that time that I heard this, and I did not see many people at that time. I do not suppose I saw anyone, whom I thought would know it, anyway, when I thought of it, and I know I did not find out until later.

Mr. PICKETT. Did you ask any advice from an attorney or any one else?

Mr. STILLSON. No; I did not.

Mr. PICKETT. You were at Eynon's about an hour, and agreed to sell, and did you go right then and close the deal?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. You went from Eynon's place to your place?

Mr. STILLSON. We went from Eynon's back to my place, and we just talked along long enough to get the deeds, and then go to Moran and close the deal.

Mr. PICKETT. That was all done that day?

Mr. STILLSON. That same evening, yes, sir.

Senator ADAMS. You knew there had been land buying all through the district for some time, didn't you?

Mr. STILLSON. Yes, sir.

Senator ADAMS. And the matters of values were matters of common discussion?

Mr. STILLSON. Well, the values, we heard very little of that; very little of it ever got out. It seemed like people did not care to say what they received for their places, and I heard very little of what places were selling for.

Senator ADAMS. It was not any surprise to you that they wanted to buy your place?

Mr. STILLSON. No; it was not.

Senator NORBECK. What would the improvements be fairly worth?

Mr. STILLSON. That is awful hard to say. I put in several years there, and could not make a guess what it would be.

Senator NORBECK. What was the size of your home?

Mr. STILLSON. Well, the size of the house that we lived in was three large rooms, a log house.

Senator NORBECK. How much land did you have under cultivation?

Mr. STILLSON. I suppose around 30 acres.

Senator NORBECK. Was there any timber on that land?

Mr. STILLSON. There was a little timber on one side, yes—low foothills on one side.

Senator NORBECK. Of commercial value?

Mr. STILLSON. No; just quaking asp, and pasture land, is what it was.

Senator NORBECK. Those 30 acres would produce what, generally?

Mr. STILLSON. I think in the neighborhood of 30 tons of hay. It did not always, however, I did not always have time.

Senator NORBECK. Was that the best year, or the worst year?

Mr. STILLSON. That was any year I had time to take care of it. I was gone a good deal in the summer and sometimes did not even try to put it up at all.

Senator NORBECK. Your hay would generally sell at what?

Mr. STILLSON. I never bought hay up there for less than \$8.

Senator NORBECK. The fair value of it might be \$10?

Mr. STILLSON. Yes; \$8 and \$10.

Senator NORBECK. In other words, a \$300 crop off of it?

Mr. STILLSON. Yes; but that was not the value.

Senator NORBECK. I understand that, that it was your home and place of operations?

Mr. STILLSON. Yes.

Senator NORBECK. Did you ask the company to let you retain a lease, the same as the others had done?

Mr. STILLSON. No, I did not ask for a lease, I asked to stay there the rest of the season and I kept my hunting camp there the rest of the season.

Senator NORBECK. They were willing to agree to what you wanted, in that respect?

Mr. STILLSON. Yes.

Senator CAREY. Did you sign a contract that you would not buy any other land in this section?

Mr. STILLSON. I am not sure whether I did or not, I think I signed some papers.

Senator CAREY. You know you signed the deed?

Mr. STILLSON. Oh, yes, sir, I guess I did.

Senator CAREY. Now, you stated there were three reasons why you sold the place, first, you were afraid of being condemned; second, afraid of losing the school by the buying out of the other people around you—

Mr. STILLSON. Yes.

Senator CAREY. And, then, the mail route had been changed so you did not have mail?

Senator NORBECK. No; he did not say that, he said there was talk.

Mr. STILLSON. There was talk.

Senator CAREY. It was changed back.

Senator NORBECK. Yes; it was changed back, too.

Senator CAREY. Yes; I had it changed back, I know about that.

Senator ASHURST. Does the law of Wyoming require the signature of a wife to conveyances of real estate?

Mr. STILLSON. Yes.

Mr. PICKETT. To relinquish a homestead.

Senator ASHURST. To homesteads only?

Mr. PICKETT. Yes; the homestead right.

Mr. PICKETT. Was anything said about the discontinuance of purchasing within that area at that time, Mr. Stillson?

Mr. STILLSON. Yes; there was something said about that.

Mr. PICKETT. What was said?

Mr. STILLSON. Well, as near as I remember Mr. Winger told me that he expected that most any time he would get word not to buy any more.

Mr. PICKETT. What year was that?

Mr. STILLSON. That was in 1929.

Mr. PICKETT. Did that influence you any in selling?

Mr. STILLSON. Well, I believe it did, a little.

Mr. PICKETT. Did your wife agree to this sale?

Mr. STILLSON. Yes, she did.

Mr. PICKETT. And signed the deed?

Mr. STILLSON. Yes.

Mr. PICKETT. The transaction was all completed in 1 day?

Mr. STILLSON. Yes, sir.

Mr. PICKETT. Were you allowed to keep the buildings on that place, Mr. Stillson?

Mr. STILLSON. I asked Mr. Fabian for my buildings, and he said I could have them, and he gave me—I would not say just what time it was, now, to move them off the place, and I moved part of them and the rest of them I was behind time and I did not get them.

Mr. PICKETT. What happened to the rest of them?

Mr. STILLSON. They burned them.

Senator CAREY. Your agreement about these buildings, was there anything said about relocating in this part of the country?

Mr. STILLSON. Yes, there was; they asked me to move them to Jackson, and in the paper—I believe I signed a paper to the effect—that I would move them to Jackson, or somewhere not in there.

Mr. PICKETT. On the project?

Mr. STILLSON. Yes; the project, sure.

Senator CAREY. You do not think you signed at the same time a contract not to locate anywhere near?

Mr. STILLSON. I do not remember that I did.

Senator CAREY. You located down in the Hoback, then?

Mr. STILLSON. Yes.

Senator CAREY. And have a place there?

Mr. STILLSON. Yes.

Senator NORBECK. This statement that they might discontinue purchasing proved true, didn't it; that was correct?

Mr. STILLSON. Well, no, not for a long time, and, as far as I know, not even yet.

Senator NORBECK. The testimony here shows they have practically come to a standstill; that they have three or four unfinished deals; that they were offered Mormon Row of 7,000 acres and did not do anything about it.

Mr. STILLSON. That is true.

Chairman NYE. Generally speaking, you were quite satisfied with the deal?

Mr. STILLSON. No; I always felt like—I believe if I had not sold that same evening I would either been there yet, or got a better price.

Chairman NYE. Why did you sell that evening?

Mr. STILLSON. Well, it came up in a hurry, I think the whole thing probably was not 2 hours, two and a half at the outside, probably, until the whole deal was closed, and the idea that they might get word any minute to discontinue buying, I would rather have sold for \$30 an acre——

Chairman NYE. Than to have stayed there?

Mr. STILLSON. Than to have stayed there and taken the chance of the place being condemned, and so on. No; I believe I would have been better off to have stayed there.

Chairman NYE. You believe you would have been better off?

Mr. STILLSON. Yes.

Senator NORBECK. Did you ever have an offer for this land better than you sold for?

Mr. STILLSON. No.

Chairman NYE. Your wife was quite willing to sell hurriedly?

Mr. STILLSON. It looked as if we had to close the deal that evening, or maybe not at all, and we rushed it on through and did not talk it over. It was a foolish thing to do that we did not.

Senator NORBECK. You were paid by check, I presume?

Mr. STILLSON. Yes.

Senator NORBECK. On a local Jackson bank?

Mr. STILLSON. No; I believe it was a Salt Lake bank.

Mr. PICKETT. The school you referred to, that was replaced and was available for your children, wasn't it?

Mr. STILLSON. No; we left right after that. The school house burned, I think, in May, and this deal was closed early in July, I believe, before the school year started again.

Mr. PICKETT. Did you move before it started?

Mr. STILLSON. Yes, we did; we moved before the school started.

Mr. PICKETT. Do you know whether or not the school was replaced at all?

Mr. STILLSON. Well, the building was never replaced, but the district made arrangements to use a building that belonged to the Snake River Land Co. for a school, and they fixed the building up and used that, somewhere in the same vicinity.

Mr. PICKETT. I have no further questions.

Chairman NYE. That is all, Mr. Stillson.

(Witness excused.)

TESTIMONY OF JESSE P. CHAMBERS

Examination by Mr. PICKETT:

Mr. PICKETT. State your full name, please?

Mr. CHAMBERS. Jesse P. Chambers.

Mr. PICKETT. Where do you reside, Mr. Chambers?

Mr. CHAMBERS. Grovont is my post office.

Mr. PICKETT. Are you employed at this time?

Mr. CHAMBERS. Yes.

Mr. PICKETT. Where?

Mr. CHAMBERS. For the Park Service, foreman for the C.C.C.—that is, the Citizens' Conservation Corps.

Mr. PICKETT. Have you in recent years filed on a homestead entry here?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. Where is that located?

Mr. CHAMBERS. It is in what we call the Spread Creek district.

Mr. PICKETT. Near the Elk Ranch?

Mr. CHAMBERS. No, sir; it is about 5 miles this side of the Elk Ranch.

Mr. PICKETT. Near Toppings?

Mr. CHAMBERS. Two miles this side of Toppings.

Mr. PICKETT. How many acres do you have in that entry?

Mr. CHAMBERS. One hundred sixty-one and thirty-nine hundredths.

Mr. PICKETT. Did you receive a patent for your land?

Mr. CHAMBERS. I did.

Mr. PICKETT. Do you own the land now?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. Have any attempts been made to purchase that from you by the Snake River Land Co.?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. By whom?

Mr. CHAMBERS. Mr. Winger.

Mr. PICKETT. Anyone else?

Mr. CHAMBERS. Well, I had a private standing offer on it from a private party.

Mr. PICKETT. Did Winger make you an offer?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. Were the two about the same?

Mr. CHAMBERS. No, sir.

Mr. PICKETT. Now, how long had you lived there?

Mr. CHAMBERS. I have tried to make it my home ever since I filed on it, which was the 16th of September. I will retract that, I filed on it the 16th of September 1926, and moved on to it the 10th day of February 1927, and have made it my home practically ever since.

Mr. PICKETT. What did you do to make a living on this place?

Mr. CHAMBERS. That is it, I do not do anything. Every time I would go to prove up on it, build, or anything, they would say "what is the use."

Mr. PICKETT. What did they mean by that?

Mr. CHAMBERS. All of my neighbors, what few I do have left, say "you will be soon sold out, you will not get any more for your improvements", and, therefore, I let it go. After I won my bet with Uncle Sam on it I went out to work and have worked ever since.

Mr. PICKETT. Do you recall when you filed your final proof?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. When was that?

Mr. CHAMBERS. The 19th of September 1929. I have my receipt here and can look, to be sure. That is right. No, it was November 19th, according to this; that is when it was received at the land office in Evanston.

Mr. PICKETT. Have you your patent?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. When did you receive your patent, Mr. Chambers?

Mr. CHAMBERS. The patent is dated August 27, 1931.

Mr. PICKETT. Were any attempts made by anyone representing the Snake River Land Co. to purchase this property before your patent was issued?

Mr. CHAMBERS. Yes, sir.

Mr. PICKETT. Has any been made since it was issued?

Mr. CHAMBERS. Well, no; I attempted to sell it to them since.

Mr. PICKETT. Were any representations as to the right of the Government to condemn, if you did not sell, made to you?

Mr. CHAMBERS. Not that I know of; I cannot recall any; I wish they had.

Mr. PICKETT. How many people live in your neighborhood now?

Mr. CHAMBERS. There are 4 of us left in the Spread Creek district; formerly there were 18 that I can recall.

Mr. PICKETT. What is the condition out there as to schools?

Mr. CHAMBERS. Before they bought anybody out I was a little less than a mile from the schoolhouse; it was in the lower end of Mr. Eynon's field. Now they have combined the Spread Creek school with the Elk school, and unless I go over the Snake River Land Co.'s property it would be $4\frac{1}{2}$ miles to my school; that is, by following my right of way out.

Mr. PICKETT. Do you go over their land?

Mr. CHAMBERS. No, I don't; no more than I can help. I have to go over it to get into my place; they have me surrounded all around me.

Senator NORBECK. How far is it by a direct route?

Mr. CHAMBERS. Straight through the field $1\frac{1}{4}$ miles.

Senator NORBECK. They have not objected?

Mr. CHAMBERS. No, sir; there is no road.

Mr. PICKETT. Were any unfair means used to attempt to get you to sell?

Mr. CHAMBERS. None that I know of.

Mr. PICKETT. You felt you were able to take care of yourself?

Mr. CHAMBERS. Absolutely.

Senator NORBECK. He testified he tried to sell to them, and could not.

Mr. PICKETT. That would not prevent the other from happening.

Mr. CHAMBERS. I probably could have, if I had taken their offer.

Chairman NYE. What is their offer?

Mr. CHAMBERS. Before I proved up, my father-in-law sold out, and Mr. Winger sent word by him to tell me to come down. I came down, I told him I had nothing to sell, only my rights, that I had no land. He did not ask me what my price was; he told me it was \$25 an acre. I told him I would think it over, and went on home. Well, you know how rumors are among your neighbors, and I had heard what Winger got for his property, which is only 2 miles below me down the river——

Senator CAREY. How does that property compare with his?

Mr. CHAMBERS. I would not trade him my property for the 10 of his.

Senator ASHURST. How much cultivation have you on that land?

Mr. CHAMBERS. At the time I paid to have 20 acres of it plowed, and put under cultivation, and I had a nice crop of barley in there for 2 years; since then it has all gone back to the wild.

Senator CAREY. Wilderness area?

Mr. CHAMBERS. Yes, sir.

Senator NORBECK. Is there any commercial timber on your land?

Mr. CHAMBERS. No, sir; cottonwood on the river bottom.

Senator ASHURST. You said you won your bet with Uncle Sam, and how do you figure it out?

Mr. CHAMBERS. I read a book one time, *Starvation Against One Hundred and Sixty Acres*, and I won.

Senator ADAMS. You mean that Uncle Sam bet you 160 acres you could not live on the place for 3 years?

Mr. CHAMBERS. Yes.

Mr. PICKETT. Was that a fairly difficult bet?

Mr. CHAMBERS. No, I do not believe so. And then, after Winger made me this offer of \$25 an acre, I talked it over with my wife, which of course I should do, and she said, "Nothing doing", and I said "I feel the same way." So, we did not sell. Shortly afterwards I wrote Mr. Carter and asked him to help me get my patent—our Representative in Congress, and I had him working on it. I have several letters from him, and I have one telling me that my application had been held up pending Park Service investigation, so then I wrote Senator Kendrick and asked him to help me, and that was in 1931, and Mr. Kendrick went to them and they told him the reason why I had not had my patent was because I had failed to file the coal waiver.

Senator NORBECK. A what?

Mr. CHAMBERS. A coal waiver. I have a copy of his letter here, if you want to see it.

Senator NORBECK. That is required by the law, is that it?

Mr. CHAMBERS. Yes, sir; that is it. They sent me a blank to make out, to file the coal waiver, and I filled it out and sent it in and they sent me my patent. Then, last summer, I had had lots of sickness and needed money, and needed it bad, and I met Winger up here in front of the community market and I told him I wanted him to make me an offer on my property, that I had another chance to sell it—which I did, at least I thought I did—and would like to get out of it what I could. He said, "That is just like you; how many times have I tried to buy you out?" I said "I don't see that that is any difference, particularly; I am willing to sell now, and if you want to buy now is your chance", and he said "Just consider that offer cut 50 percent", and I will stay there a long while before I take \$12.50 an acre for it.

Mr. PICKETT. Did you ever inquire of the Land Office as to why your patent had not been issued?

Mr. CHAMBERS. Yes, I did.

Mr. PICKETT. Did you receive any reply?

Mr. CHAMBERS. I have one here. They told me it was held up pending field investigation, and Mr. Dyer came in and made it.

Mr. PICKETT. How long after the field investigation was it before you got your patent?

Mr. CHAMBERS. I think it was a year.

Senator ASHURST. You say you have had an offer from other private parties?

Mr. CHAMBERS. Yes, sir.

Senator ASHURST. Do you mind telling what the offer was?

Mr. CHAMBERS. It was \$5,000.

Senator NORBECK. The same as the Snake River Land Co. has offered, or about?

Mr. CHAMBERS. They offered \$4,000, \$25 an acre, and I offered to take \$30 the same as they paid for two relinquishments down the river from me, and he said "Not a chance."

Senator CAREY. What were those?

Mr. CHAMBERS. Jim Padges and Mary Mettis.

Senator CAREY. Didn't you have some correspondence with me about your homestead?

Mr. CHAMBERS. No, sir; I did not.

Senator CAREY. I talked to you about it.

Mr. CHAMBERS. You talked to me about it; yes.

Senator ASHURST. Does your offer from private parties still hold good?

Mr. CHAMBERS. I do not know; I have not seen him for a year.

Senator ASHURST. Who was he?

Mr. CHAMBERS. His name was Claude Lindsley; he is a retired engineer from Evanston.

Senator ASHURST. Do you know whether he represented the Snake River Land Co.?

Mr. CHAMBERS. No, sir; he did not; I have known him for a good many years.

Mr. PICKETT. What is your property suitable for?

Mr. CHAMBERS. The first year I had it I realized \$480 off it in fur alone; I have my invoices for it. It took me 2 or 3 weeks to catch that fur. One hundred acres is in swamp, and 60 acres is good farming land as there is in this country.

Mr. PICKETT. Has it any recreational value?

Mr. CHAMBERS. Mighty good water, good fishing, and some of the nicest coldest water in Jackson Hole in that place.

Mr. PICKETT. Do you handle any hunting parties?

Mr. CHAMBERS. No, sir; I handle that with my father-in-law.

Mr. PICKETT. Who is your father-in-law?

Mr. CHAMBERS. C. W. Hedrick.

Senator ASHURST. Your father-in-law sold?

Mr. CHAMBERS. Yes.

Mr. PICKETT. At what price?

Mr. CHAMBERS. He got \$25,000 for 520 acres.

Senator NORBECK. About the time they were trying to buy you?

Mr. CHAMBERS. Yes, when they were trying to buy me—a little over \$39 an acre.

Senator CAREY. You joined, did you?

Mr. CHAMBERS. He joined me on the south. They have bought out Turner on the east, they bought out Cunningham on the north, the river comes in there on a quarter of my land, and my land lays in a T shape, and another quarter is vacant.

Senator CAREY. These lands they bought around you, have the improvements been destroyed?

Mr. CHAMBERS. They are not, except Turner's; Hedrick's is destroyed, and so is Eynon's.

Senator ASHURST. What was the difference between the two places that caused them to pay your father-in-law nearly \$40 an acre, and to offer you less than that?

Mr. CHAMBERS. That is what I cannot figure out; I would not trade him 160 if he would let me pick it out.

Senator NORBECK. He had swampy land on his place?

Mr. CHAMBERS. He had swamp land on his place, and what we call pot holes, and rocks.

Senator CAREY. Is his land any more valuable for wilderness area than yours?

Mr. CHAMBERS. No.

Senator ASHURST. Did you ever talk with your father-in-law as to what caused him to receive that much?

Mr. CHAMBERS. I talked it over with Winger, and he said it was an obligatory matter. I asked him why he paid my father-in-law that and would not give me that, and it seemed that Miller about that time had made the offer, and Mr. Winger came in and took it over afterwards; I think he dealt with both of them.

Senator CAREY. What about these other lands, what did they get for theirs?

Mr. CHAMBERS. That is what you have to investigate. They did not tell me, and I did not stick my nose into their business.

Senator CAREY. But we are sticking our noses into that.

Mr. CHAMBERS. I think Eynon testified as to what he got, and he is a little better than a quarter of a mile over the fence from me, and Turner's place lays between me and Mr. Eynon.

Chairman NYE. If there are no further questions, that is all, Mr. Chambers.

(Witness excused.)

TESTIMONY OF FRED J. TOPPING

Examination by Mr. PICKETT:

Mr. PICKETT. State your full name, please.

Mr. TOPPING. Fred J. Topping.

Mr. PICKETT. Where do you live, Mr. Topping?

Mr. TOPPING. Elk, Wyo.

Mr. PICKETT. How far is that from Jackson?

Mr. TOPPING. Twenty-eight miles north of Jackson.

Mr. PICKETT. Do you own some property there?

Mr. TOPPING. One hundred and twenty acres, my wife's homestead.

Mr. PICKETT. How long have you resided there?

Mr. TOPPING. Oh, some 20 years, myself.

Mr. PICKETT. Is that in the Spread Creek territory?

Mr. TOPPING. I used to own land myself there.

Mr. PICKETT. That is in the Spread Creek territory?

Mr. TOPPING. Yes, right on Spread Creek.

Mr. PICKETT. Are you engaged in any enterprise now?

Mr. TOPPING. Dude ranching, hunting, and camping, whatever you might call it, guide, and fur farming.

Mr. PICKETT. What do you do?

Mr. TOPPING. Dairying, poultry, a little of everything; I am making a living, anyway.

Mr. PICKETT. You have cabins there and rent them?

Mr. TOPPING. Yes, I have got 6 or 7 cabins, a living house, lobby, a little fur farm, a little hay field, and things like that.

Mr. PICKETT. Are you able to keep ahead?

Mr. TOPPING. Well, it is tough going, but I manage to make it.

Mr. PICKETT. Do you know when the homestead entry was made upon this place, Mr. Topping?

Mr. TOPPING. My wife's homestead?

Mr. PICKETT. Yes.

Mr. TOPPING. Yes, I think it was in May 1927; the 20th of May, along that time.

Mr. PICKETT. That is when the entry was made?

Mr. TOPPING. Yes.

Mr. PICKETT. When did you make final proof?

Mr. TOPPING. Let's see, it was three and a half years later.

Mr. PICKETT. Was there any investigation of that place, made before final was made, by the Department officials?

Mr. TOPPING. Yes, there was a land inspector came in there, before he was due, I guess, and I asked him what he was doing and he said—I said “we ain't proved up yet, what is the idea of your coming around inspecting this land?”, and he said he was sent there by the Park Service, is what he told me.

Mr. PICKETT. Do you know who it was?

Mr. TOPPING. No, I don't.

Mr. PICKETT. How long after that was it that you made final proof?

Mr. TOPPING. About a year and a half, I think.

Senator CAREY. You are sure this man was an inspector?

Mr. TOPPING. Well, I just guess he was a land inspector.

Senator CAREY. It was not Mr. Allen?

Mr. TOPPING. No.

Mr. PICKETT. Do you know Mr. Allen?

Mr. TOPPING. Which one?

Mr. PICKETT. Joe?

Mr. TOPPING. Oh, the Snake River Land Co. Allen; yes, I know him.

Mr. PICKETT. Did he ever talk to you about your entry?

Mr. TOPPING. Yes.

Mr. PICKETT. About your wife's entry?

Mr. TOPPING. Well, some, but I do not remember what it was—some remarks that he made. He was there to our place for dinner one day, and said something, I could not remember what it was, but it was something about the homestead, anyway.

Mr. PICKETT. What was it about?

Mr. TOPPING. Oh, about living there. I cannot remember. He made some remark of some kind or another. I did not know that this thing was coming up so I did not pay any attention, but, anyway, I met a fellow next day and he said “you want to be going on your places, these fellows are booking you fellows up on your homesteads”, and I said “I am booking stuff up, too, to hell with them”. So I do not know whether he was there for anything of that kind or not, he might have been.

Mr. PICKETT. What do you mean by “you were booking up”?

Mr. TOPPING. That is what he meant, that he was booking a few homesteads that was around.

Mr. PICKETT. I said “you”?

Mr. TOPPING. I was booking up what I was doing on my place, that is what I meant—keeping tabs on what I had to do to live up to the law. I knew they were not going to get that outfit, that was my idea.

Mr. PICKETT. You mean, you wrote down what you did?

Mr. TOPPING. Yes.

Mr. PICKETT. The nights you lived there?

Mr. TOPPING. When we did not live on it regularly we would go down there in a little jitney at night, and leave in the morning, and I had that down in a little book. It wasn't so funny, by God, at that time, I will tell you.

Mr. PICKETT. Were any attempts made to buy that property, Mr. Topping?

Mr. TOPPING. Not that I know of.

Mr. PICKETT. I mean, from you; did Winger attempt to buy it from you?

Mr. TOPPING. Winger drove into my yard one day; I was building a house, and called me to the car and we talked about it a little bit, and he seen, I guess, I wasn't very much interested in it, and we talked a little bit and he told me he did not think I could get over \$30 an acre for my land, and whether I had a bid for it, or the way it was said, I got "on the peck", as the fellows says, and I told him I would make the price on that land when it was sold. He said we have been friends for so many years, and one thing and another, and we patched it up and he pulled out.

Mr. PICKETT. He never attempted to buy this then?

Mr. TOPPING. Oh, I have met him; he has met me and made a few remarks. I have met him on the road, and he asked me how things are and if I thought of selling out.

Mr. PICKETT. In connection with the property?

Mr. TOPPING. He told me if I felt prosperous to come down and see him, and I told him I never felt prosperous yet, so I haven't seen him. Another time that they offered to buy—I do not know whether you would call it an offer to buy or not—Mr. Fabian sent word over one day with one of my neighbors that if I wanted to sell I did not need to wait until I got the deed for it, because I would not get any more for it then than now.

Mr. PICKETT. Who was that neighbor?

Mr. TOPPING. Don Miller was the neighbor's name.

Mr. PICKETT. How do you know Fabian saw him?

Mr. TOPPING. That is what he said. That is just hearsay; he said that was the word sent over to me, and, outside of that, I never had any chance.

Mr. PICKETT. Do you know when final proof was made on this property?

Mr. TOPPING. No; I can tell you, I have my junk out in the car that tells the whole thing, but I do not remember those things myself. It was three years and a half after the land was taken up.

Mr. PICKETT. How long was it, after you made final proof, before you got your patent, approximately?

Mr. TOPPING. It was the following August, 8 months, probably 8 or 9 months.

Mr. PICKETT. Was anything said to you by Winger, or anyone else representing the Snake River Land Co., about the right to condemn the property?

Mr. TOPPING. No.

Mr. PICKETT. As far as you are concerned he used no unfair methods?

Mr. TOPPING. No, sir.

Mr. PICKETT. What are the conditions of that neighborhood, where you live now, as to your neighbors?

Mr. TOPPING. Why, I call them damned poor. Some people that have children in schools—we had school at our place last winter, and they done away with the schoolhouses there, and there is just four of the old stragglers left in that country.

Senator NORBECK. But the taxable property is still there?

Mr. TOPPING. Yes; but there is nobody on them.

Senator NORBECK. In other words, the school board gets the revenue for a certainty, and the taxes are paid promptly on the property?

Mr. TOPPING. Yes; as far as I know.

Mr. PICKETT. There is a school, though?

Mr. TOPPING. They have to move a schoolhouse around wherever the kids are, and so on, and find a cabin somewhere to provide a school for them.

Senator NORBECK. In other words, there is plenty of money to run the school, but hardly enough children?

Mr. TOPPING. They have been thinned out. It makes it kind of bad, you know; they left us sitting there sucking our thumbs, as the fellow says.

Senator CAREY. Does the destruction of these buildings decrease the valuation of the Snake River Land Co. lands; are they assessed for as much as they were before?

Mr. TOPPING. I do not know much about that deal.

Mr. PICKETT. Did you ever attempt to sell your property to any else, or have an offer?

Mr. TOPPING. Yes; I had a good offer. You think I am guessing, but I will remember his name; it is the fellow that runs boys up there.

Mr. PICKETT. Was it Warham?

Mr. TOPPING. No; I sold one place to Warham. That is where I learned something. I do not remember the fellow's name, but, anyway, he offered me \$8,000 two years ago for half of what I had; he wanted to be a partner, to go in partnership to run boys and have a camp, and then when he brought his mother down there the following summer and looked the place over, and she was all blowed up about the place and thought it was all right, he went to Jackson and found out about the Snake River Land Co. and said we would have to put the deal off for a while, although I did not offer to make a deal.

Senator NORBECK. An offer for a half interest in your business and the property, is that it?

Mr. TOPPING. Yes; everything I had. So, at that time I was worth \$16,000, maybe, hey? That is more than I would have gotten from the Snake River Land Co., at any rate, but at the same time they stopped that deal; I probably would have dealt.

Mr. PICKETT. What did they have to do with it?

Mr. TOPPING. He found out they owned all around there, and it was a matter of time until they got it all, so he said.

Senator NORBECK. How could they get your land unless you wanted to sell it?

Mr. TOPPING. The Snake River Land Co.?

Senator NORBECK. Yes.

Mr. TOPPING. They could not buy it, but could stop other deals, because they owned the land around it here, and it stopped that deal; he would not buy it because it was tied up.

Senator NORBECK. Tie up, how?

Mr. TOPPING. The whole country was tied up, they did not know what they were going to do, and that canned that deal right there, that I know.

MR. PICKETT. Do you have any information about this mail route, Mr. Topping.

MR. TOPPING. Some, yes. I was away at the time, but I had wrote to Mr. Carey about the mail; they took it away, and I said to my wife, "if anybody comes here tell them about the mail." Finally the man come while I was gone—my hard luck.

SENATOR CAREY. Was that the inspector?

MR. TOPPING. The inspector; I do not know who it was.

SENATOR CAREY. Was that the inspector who straightened the matter out?

MR. TOPPING. No; that was another one.

SENATOR CAREY. That was a second inspector?

MR. TOPPING. No; the first inspector.

SENATOR CAREY. Did the last inspector come to see you?

MR. TOPPING. No; but he sent word everything would be O.K.

SENATOR CAREY. And it was O.K.?

MR. TOPPING. Yes, it was, and they put the mail back where it belonged, but when they took it away he came over and my wife wanted to know why they took the mail away after being there for 32 years, that she had heard about, and he said "we are informed by the people who is buying the land that about the time the mail changes, every 4 years, it was about that time, and they would change it over by the first of July on the west side of the river, and that by the time it was changed only Eynon and us folks would be left in that community and, therefore", he said, "we put the mail on the other side of the river."

SENATOR CAREY. How many people are served on the west side of the river in the winter?

MR. TOPPING. One or two, I guess; I don't know; I guess that is a way up the country. They all had their service around Jenny Lake, and that country at the time, I understood, and have a further stretch of country 20 miles along there, and there was nobody, a jack rabbit could not live there.

SENATOR CAREY. You are living on the west side of the river?

MR. TOPPING. On the west side of the river.

SENATOR CAREY. Jack rabbits do not require mail, then?

MR. TOPPING. We got our mail back through Senator Carey, back where we figured it belonged. You have to serve people while they are there, and when they are gone it is time to quit serving them.

MR. PICKETT. That is all.

CHAIRMAN NYE. That is all, Mr. Topping.

(Witness excused.)

TESTIMONY OF ROSA BROWN

Examination by Mr. PICKETT:

MR. PICKETT. State your full name, please?

MRS. BROWN. Rosa Brown.

MR. PICKETT. Where do you live, Mrs. Brown?

MRS. BROWN. At Moose, is my postoffice.

MR. PICKETT. Where is Moose?

MRS. BROWN. Well, it is about a mile and a quarter on the south side of the river from Moose.

MR. PICKETT. How far from Jackson?

Mrs. BROWN. About 12 miles.

Mr. PICKETT. How long have you lived in this vicinity, Mrs. Brown?

Mrs. BROWN. I have live here 33 years this next September; this coming September.

Mr. PICKETT. You have live here continuously?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. How long have you lived just this side of Menor's Ferry Bridge?

Mrs. BROWN. Since 1930; that will be 3 years.

Mr. PICKETT. Did you have a place there?

Mrs. BROWN. Well, I thought I had.

Mr. PICKETT. Just state what you base that statement on?

Mrs. BROWN. Well, the Robinson boys owned a little store there; there was two brothers and they owned a little store there, and they bought at one time an acre of ground from a Mrs. Harris, and made, as I understand it, and as they say, one payment on it. She was to deliver the deed as soon as it was convenient and they were to pay the balance of the money, and it went on for several years, that was about 4 or 5 years, I think, and she did not give them the deed, and there came a time when they wished to sell it, and I had worked for the boys and I liked the location and the store and the business and all, and thought I could make a good living at it, so I bought it, and he thought, he said, that there was a difficulty is not getting the deed and that it was the difference in the shape of the acre.

They claimed they bought an acre of ground, of land, claiming an 8 rod front, with enough back to make the acre of land. Whatever that would be I do not know. And Mr. Robinson told me, he said, "I can get the deed for that", and I said, "That will suit me just fine, I would just as soon take it that way as a square acre, because I will put cabins on it anyway, and I would as soon have the back land as the highway frontage." So I took possession about the 18th day of March 1930, and I continued to live there and operate my little business until 1931, I guess, I believe it was in 1931, when the question came up about the Snake River Land Co.

Mr. PICKETT. How did that come up?

Mrs. BROWN. Well, in the first place, Mr. and Mrs. Harris came to my place and they let me know that they had made Ed Robinson a price for that property, and they let me know how, if he did not take it, that he could be beat out of the entire thing, or lose it all, in other words.

Mr. PICKETT. Do you recall what that explanation was?

Mrs. BROWN. The explanation was that the Snake River Land Co. would buy it from Mrs. Harris, or had bought it.

Mr. PICKETT. The Harrises were the people from whom Robinson had agreed to buy?

Mrs. BROWN. Yes, that Robinsons bought from.

Mr. PICKETT. That is right?

Mrs. BROWN. Yes. There was nothing more said for quite a while; I have forgotten whether it was the next year that Mr. Winger came to me, and he talked to me about it and let me know that I did not own the buildings, even, and one thing and another, and wanted to know whether I knew whether it was recorded upon, and so on, and he left, saying he was going to buy the property. He said "I am

going down", he said, "to buy the property." When I asked Mr. Robinson why he would not try to get the deed he said he was advised by attorneys to let them make the next move, and we let it go at that. Mr. Erickson, when he died, he had the case on and was going to try to get a deed for them.

Mr. PICKETT. For the Robinsons?

Mrs. BROWN. Yes, for the Robinsons.

Mr. PICKETT. What happened, as far as you are concerned?

Mrs. BROWN. In a short time after that Winger came back and told me that he had bought it, and I do not think he made me any offer at that time, and when he did, and I went to work and put up four cabins—I put up two more cabins, one double cabin, and two single-room cabins, one double and two singles—he came in in the spring of 1932, and he asked me what the Robinson boys said about moving off, and I said what he said—that was Ed—that he would move off when the court ordered him off, and he said "you will get an order to move, then."

Mr. PICKETT. Had you paid for the property?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. How much had you paid?

Mrs. BROWN. I paid a half of it, which was fifteen—I really paid over sixteen hundred dollars.

Mr. PICKETT. In cash?

Mrs. BROWN. Cash, and paid up the bills that were against the store goods there.

Mr. PICKETT. And that you agreed to pay for?

Mrs. BROWN. I agreed to pay \$3,000 for the entire thing; that is, for the land and all.

Mr. PICKETT. My understanding then, from what you say, is that Robinson built on this particular acre where there had been an option taken from the Harrises?

Mrs. BROWN. I didn't call it any option. They bought it direct from her. That was just a matter of time of getting down to Jackson for them to get that deed, and I guess neither one of them was any too careful at the time, and they probably just let it go along from time to time, and in the meantime some little squabble come up.

Mr. PICKETT. Were the improvements put on there before or after they bought that, do you know? After Robinson had made the deal with the Harrises, were there any buildings on there at the time?

Mrs. BROWN. Not at the time. They put all the buildings on there.

Mr. PICKETT. After their deal with the Harrises?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. Did you later get an order to move?

Mrs. BROWN. I later got an offer. Mr. Winger came to me and made me an offer of \$500 and the buildings to move off, but I didn't accept it, and I think that was in—I believe that I stayed there that winter after he made me that offer—no, I guess not.

Mr. PICKETT. Was that a fair value of the property?

Mrs. BROWN. I didn't consider so.

Mr. PICKETT. Together with the right to move the buildings?

Mrs. BROWN. Yes, they give me the right to move the buildings.

Mr. PICKETT. Do you know what those buildings had cost?

Mrs. BROWN. I paid for the buildings that I put up—I give \$100 for the logs alone in one building in groceries, and I give \$25 for the

logs in another building, and, besides, I bought the lumber to floor and finish the cabin up, and I paid Mr. Robinson \$5 a day to help put up the two-room cabin.

Mr. PICKETT. What happened after your refusal of that offer?

Mrs. BROWN. I didn't exactly tell him that I wouldn't take it, but I just stayed there, and the next year, I believe, as I remember it, I had a summons to appear in court in Cheyenne for the rental for \$50 a month for 2 years.

Senator CAREY. How far is Cheyenne from here?

Mrs. BROWN. I just don't know. I couldn't hardly say how far it is, but it must be somewhere around between about four or five hundred miles, isn't it?

Senator CAREY. How could you get to Cheyenne? Would you go by train or automobile?

Mrs. BROWN. I imagine it would be quicker to go by car.

Senator CAREY. It would be a very expensive trip for you?

Mrs. BROWN. I should think it would be.

Mr. PICKETT. That suit was brought in the Federal court at Cheyenne?

Mrs. BROWN. Yes, sir.

Senator ADAMS. Does the Federal court sit in more than one place?

Mr. PICKETT. It sits in a number of places within the district of Wyoming. The different cases from the various parts of the State can be assigned for trial at Casper or Lander or Sheridan or Evanston, but they would all be filed in Cheyenne. There is the same clerk for all of those districts.

Mrs. BROWN. I would like to say that I did not claim anything, only my buildings and the acre in that corner, and here I was to be sued for the entire thing, as I understand it, for \$6,000.

Mr. PICKETT. Have you a copy of that summons?

Mrs. BROWN. Yes, sir [producing paper and handing the same to counsel.]

Mr. PICKETT. Was this the copy of the summons that was served upon you?

Mrs. BROWN. That is really the summons.

Mr. PICKETT. That was served upon you?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. I would like to read the prayer of that into the record.

Chairman NYE. Proceed.

Mr. PICKETT (reading)—

Wherefore, plaintiff prays judgment against said defendant as follows: (1) for the restitution of said lands and premises; (2) for the value of the rents, issues and profits thereof at the rate of \$50 per month since the 8th day of August 1930, together with costs of suit.

Senator ADAMS. Who are the parties to that suit?

Mr. PICKETT. This is in the District Court of the United States; *Snake River Land Co., a corporation, plaintry v. Rosa Brown*, docket 2267, civil.

Senator NORBECK. There is nothing about \$6,000 in there, is there?

Mrs. BROWN. I may have been mistaken about that being in there, but it is in the contract. If it is not in there, it is in the contract.

Senator NORBECK. In what contract?

Mrs. BROWN. In the contract I had to sign to get rid of that suit.

Senator NORBECK. Something that followed that?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. Paragraph 3 alleges that "the property was at all times herein mentioned and now is of the fair and reasonable value of \$6,000."

Mr. PICKETT. This summons, Mrs. Brown, states that you must file an answer to the plaintiff's petition on or before the 3d day of September 1932. What was done prior to that time?

Mrs. BROWN. There wasn't anything done.

Mr. PICKETT. Well, what did you do?

Mrs. BROWN. Well, I just thought it over, and Mr. Spaulding told me, he said, "You have got a month to think it over and decide what you want to do", so I thought the matter over and I decided that I had no money to fight John D. Rockefeller or the Snake River Land Co. or anyone else.

Mr. PICKETT. Did you employ an attorney?

Mrs. BROWN. I did not. I figured it would take quite a bit of money to employ an attorney, and I didn't have it to spare, and I figured that I would lose it in any case against those people, with all of those people against me, so I just decided that I had better move off and let them have it.

Mr. PICKETT. What was done then?

Mrs. BROWN. I sent word to have Mr. Winger come in and see me sometime when he was going by, which he did, and I asked him if it would be necessary for me to sign any kind of papers in that agreement, and he said, "I'll see", so the morning of the 1st day of September, before I had to appear in court in Cheyenne on the 3d, he brought me this—no—he asked me to come to Jackson to sign up the papers—and these are the papers, if you care to read them (handing papers to the chairman of the committee)—but before going down he said, "You will have to sign up not to go in business", but that was something that was so disagreeable to me that I said I wouldn't sign, and he said, "Then there is no use going down." I thought it over, and I pretty near had to go, because I didn't have time to leave my place on the 1st day of September and get to Cheyenne on the 3d to fight this case, even if I had the money to have fought it with, so I said, "Well, I will go down and see it", and when I got down to Jackson—he took me down there in his car—and when we got down to Jackson, Mr. Spaulding handed me this contract to read over and sign. I read it, but I didn't realize to the full extent of what it means. I didn't get the real understanding of it, see? I didn't get the full idea as to what was in the contract. I read where I wasn't to go in business anywhere within 35 or 40 miles from this country, and if I did go in business I was to sell out to them for not more than \$10 regardless of any business that I might get into, and it made me faint and I wanted to cry more than anything else, and I didn't pay much attention to the rest of it, and I said, "Well, if that is not taking the rights away from an American citizen, I don't know what you would call it", but I said, "I've got to sign it, because you have got the money and I haven't", so they took me out into another room, Mr. Winger did, and Mr. Neilson swore me in, or whatever you might call it, or witnessed my signature.

Mr. PICKETT. Who prepared the contract, do you know?

Mrs. BROWN. It is signed by—

Senator ADAMS. It is signed by Rosa Brown and Richard Winger.

Mr. PICKETT. Do you know whether or not the Harrises, who were the owners of the property, consented to the placing of those improvements upon that property?

Mrs. BROWN. I don't see how they could have done otherwise. They allowed them to go and do it, and the Snake River Co. allowed me to go on and put my improvements on there, and they didn't claim it.

Mr. PICKETT. And you were in possession of the property at that time?

Mrs. BROWN. Yes, sir; and had been in possession of it.

Mr. PICKETT. Were you advised as to any rights that you might have under such circumstances under the law in the State of Wyoming?

Mrs. BROWN. No, sir; I was not.

Mr. PICKETT. Were you asked if you had an attorney?

Mrs. BROWN. Before I signed this paper there, Mr. Spaulding asked me if I had an attorney, and I told him, "No", and he told me it would not be proper not to have my attorney present if I had one.

Mr. PICKETT. Were you paid the \$500 which was offered to you prior to that?

Mrs. BROWN. I was not.

Mr. PICKETT. The contract provides that you simply have the right to move the buildings off?

Mrs. BROWN. That is all.

Mr. PICKETT. What did you do then?

Mrs. BROWN. Well, I went outside right away—in fact, I had been out a couple of different times to look around to see if I could find anything that suited me, so I went out to see what I could find. I didn't feel like I would care to move out, any more than I did when I sold my ranch to them, and I went out and I found a location up there with my son, but I didn't like it so I came back in here and I bought a little store over there, because I love to live here and I want my home here, that is why I bought it, and I had always wanted a little store, because I had worked in that business and liked it and understood the business, and all of that, and I bought it under those conditions.

Mr. PICKETT. You were given the right to keep the improvements under your contract?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. What did you do with them?

Mrs. BROWN. I moved them across the road. I asked Mr. Spaulding—I was supposed to move them, to have them off by the first of November—and I asked for another month. I had my cabins rented—up until the time that I found out that I had to move, I had all of my cabins rented except, you might say, one, and I asked for another month to give me a little more rent, and, considering the hunting season, that I might get some rent out of them. In the first place, I had to notify my renters that they had to be out at a certain time, and one or two of them had already moved out, but he gave me an extension of another month in which to move my buildings off. That was the first of December—I believe that I am right, that I was to have them off by the 1st. Anyway, I had the

most of them moved by the 1st. After I came back from Idaho, from the outside, we went to work tearing down the buildings from the inside, the floors, and so forth, to save the lumber, and I just hired a crew of men and we put three buildings across the highway on the Government land, and the rest of them I had to tear down and just pile them up.

Mr. PICKETT. Was that in violation of this contract?

Mrs. BROWN. Well, it was, in a way, but I didn't consider that they had any right to take my rights away from me, as I say, to do business or anything like that. In fact, I intended fully to have hired Mr. Simpson in the last term of court to try to break that contract, but I was outside and didn't get back in time.

Mr. PICKETT. Have you been molested in any way where you are?

Mrs. BROWN. No, sir.

Mr. PICKETT. Did you at any time prior to your deal with Robinson consult an attorney?

Mrs. BROWN. No, sir.

Mr. PICKETT. Have you ever consulted an attorney in this matter?

Mrs. BROWN. No, I have not.

Mr. PICKETT. Do you know whether or not Robinson had a written contract or option from the Harrises?

Mrs. BROWN. Well, I don't know about that. He claimed to have had a receipt for the money paid.

Mr. PICKETT. And you relied on his word?

Mrs. BROWN. Yes, sir.

Mr. PICKETT. You never saw any contract or option of his?

Mrs. BROWN. No, I did not.

Mr. PICKETT. Did you ever talk to the Harrises?

Mrs. BROWN. No, I didn't talk to the Harrises. Mrs. Harris had moved out of the country, and she was down in Boise, Idaho.

Mr. PICKETT. You mean that you had paid out this \$1,600 Mrs. Brown—

Mrs. BROWN. Yes.

Mr. PICKETT (continuing). Without ever finding out about the title to this property in any manner?

Mrs. BROWN. I felt like it was entirely straight. Of course, I just paid for the stock and the building, as I thought, but through the error of the clerk of court, she didn't even give me the buildings in my bill of sale.

Mr. PICKETT. Was there something recorded in connection with this?

Mrs. BROWN. Yes, sir; I had my papers recorded the very same day that I came down to Mr. Robinson and made the deal.

Senator NORBECK. Did you say that you thought you were just buying the building and the stock?

Mrs. BROWN. I paid for the building and stock there, and I was to pay for the land as soon as I could get the deed to it.

Senator ADAMS. What were you to pay for the land, exclusive of the buildings and the stock of goods?

Mrs. BROWN. I was to pay the balance of the \$3,000. I was to pay \$1,500 to start with and the balance of the \$1,500 after I got the deed to the acre.

Senator ADAMS. What part of it was represented by the land?

Mrs. BROWN. You mean, how much land?

Senator ADAMS. Yes. Your \$3,000 deal included the land and the buildings and the stock of merchandise, as I understand?

Mrs. BROWN. My own value of that acre was only \$50, but I made them an offer of \$3,000 for the land and the store.

Senator NORBECK. And because they didn't deliver that acre, you were to hold back \$1,500?

Mrs. BROWN. Yes, I was to hold back \$1,500.

Senator NORBECK. And you did that?

Mrs. BROWN. Yes, sir; until the deed was turned over to me.

Senator ADAMS. That \$1,500 has never been paid?

Mrs. BROWN. No, sir; but I paid a little more than the first \$1,500—that is, I was paying bills that come in, you know. I paid some money right to start with, and then as these bills came in against the property I paid them off.

Mr. PICKETT. How much money did you spend for improving the place in addition to the \$1,600?

Mrs. BROWN. I never did exactly figure it up, but, as I say, I paid \$25 for the logs of one building and \$100 for the other, besides the lumber and shelves, and so forth. I figure that that two-room cabin was at least worth \$200, but, of course, the smaller buildings wouldn't be quite that much.

Mr. PICKETT. Was this contract here prepared in your presence?

Mrs. BROWN. No, sir; it was all prepared when I got down there.

Senator NORBECK. Would you kindly state what the contract provided in a general way?

Mr. PICKETT. I haven't read it in full, but I am going to offer it.

Senator CAREY. I would like to have that contract read into the record.

CHAIRMAN NYE. Let counsel read the contract.

(Whereupon, Mr. Pickett read the contract, marked for identification as exhibit 45, as follows:)

EXHIBIT No. 45

MOOSE, TETON COUNTY, WYO.,

September 1, 1932.

SNAKE RIVER LAND CO.,

Salt Lake City, Utah.

GENTLEMEN: In consideration of your dismissing, without the taxing of any costs against me, the suit which you have brought against me and which is now pending in the United States District Court for the District of Wyoming, for the possession of lots 2, 5, 6, and 8, and the NW $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 36, T. 43 N., R. 116 W., sixth principal meridian, Teton County, Wyo., and of your waiving your rental claim against me for the use of said property to this date, and your permitting me to remain in possession of that portion of said property which I am now occupying until November 1, 1932, and also in consideration of your giving me permission to remove, at my own cost and expense on or before said last mentioned date, the buildings and improvements now on said land, I hereby disclaim, relinquish and quit-claim to you, your successors and assigns, any and all claim, right, title, and interest and right to the possession or occupancy of said land or any part thereof, and I further promise and agree to vacate said land and deliver up the possession thereof to you or your assigns, on the 30th day of November 1932, and on or before said last mentioned date, at my own cost and expense, to remove from said land all buildings and improvements now located thereon and all rubbish and debris so that the same will be clean and sightly and in its natural condition, to the satisfaction of Mr. Richard Winger; and I further agree that said buildings and improvements and the material therefrom will be removed entirely outside of the area embraced within the boundaries of the following townships in Teton County, Wyo.: 42 N. 115 W., 42 N. 116 W., 43 N. 115 W., 43 N. 116 W., 44 N. 113 W., 44 N. 114 W., 44 N. 115 W., 44 N.

116 W., 45 N. 112 W., 45 N. 113 W., 45 N. 114 W., 46 N. 113 W., 46 N. 114 W. 46 N. 115 W.; and will not be used for the construction of any buildings or improvements on any property in that area; and I further promise and agree that I will not purchase, either directly or indirectly, or in any way acquire or enter into any contracts so to do, any right, title, or interest in any real property and/or any improvements on real property within the area of the above townships for a period of 10 years from the date hereof, and I hereby give and grant to you, your successors and assigns, the right and option to purchase from me at any time within 10 years from this date, for the consideration of \$10 and no more, any and all right, title, and interest which, within 10 years from the date hereof, I may have or acquire in any manner whatsoever in any real property and/or the improvements thereon within said above named townships.

RICHARD WINGER.

ROSA BROWN.

STATE OF WYOMING,
County of Teton, ss:

On this 1st day of September 1932 before me personally appeared Rosa Brown, to me known to be the person described in and who executed the foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed, having been fully apprised of her rights and the effect of signing and acknowledging the said instrument.

My commission expires October 7, 1933.

Witness my hand and notarial seal the day and year first hereinabove written.

[SEAL]

WILFORD H. NEILSON,
Notary Public.

Residing at Jackson, Wyo. My commission expires October 7, 1933.

Agreed to this — day of September 1932.

SNAKE RIVER LAND CO.,
By HAROLD P. FABIAN,
Vice-President.

Senator CAREY. Before you signed that contract, were you asked if it was a free and voluntary act on your part? Did the notary public ask you that?

Mrs. BROWN. He did not.

Mr. PICKETT. He asked you no questions?

Mrs. BROWN. I will take that back, too. He did say something—I don't know what he said, but I suppose that was what it was, and I said, "Yes, I have got to sign it."

Mr. PICKETT. I have no further questions.

Senator CAREY. Mrs. Brown, you are a widow?

Mrs. BROWN. Yes, sir.

Senator CAREY. How long have you been a widow?

Mrs. BROWN. I have been a widow for 10 years.

Senator CAREY. And you depend upon yourself for your livelihood?

Mrs. BROWN. Yes, sir.

Senator CAREY. You had a ranch that you sold to the Snake River Land Co. previously?

Mrs. BROWN. Yes, sir.

Senator CAREY. That is all.

Senator NORBECK. In your other contacts with the Snake River Land Co., did they deal fairly with you on them?

Mrs. BROWN. Yes, sir; they did, because I set the price on my land myself.

Senator NORBECK. And they paid you what you asked?

Mrs. BROWN. I dealt through Mr. and Mrs. Harrison, or Mrs. Harrison—I dealt with her. I had an offer—I had made another party an offer of my land for \$25 an acre. I felt like I couldn't take care of it any longer, and the sooner I got rid of it the better it would be for me—I was unable to go ahead with it, so I thought I would let them

have it under those conditions. In the first place, I was offered \$22.50 an acre, and I refused that, and then Mrs. Harrison came to me—that is, I had offered it to the Elbo Ranch before she came to me for \$25 an acre, and when she heard about it she came to me—I wasn't to get the cash but I was to get part cash and part mortgage—and she offered me the cash for it, \$25 an acre cash, so I let her have it under those conditions.

Senator CAREY. Were Mrs. Harrison and Mr. Winger partners at one time in the real estate business?

Mrs. BROWN. I understood they were.

Senator CAREY. Weren't they buying some land while Mr. Miller was buying it here?

Mrs. BROWN. I think so, because we went right down, and Mr. Miller had something to do with paying me the check, because I had a farm loan on my place, and Mr. Miller took the farm loan out of it and gave me a check for the balance of the money.

Senator CAREY. And you were dealing with whom?

Mrs. BROWN. With Mrs. Harrison and Mr. Miller.

Senator CAREY. Did you pay her a commission?

Mrs. BROWN. Yes, sir.

Senator CAREY. And you don't know whether Mr. Winger was a partner of hers at the time you paid her a commission?

Mrs. BROWN. I think he was.

Senator CAREY. It was reported around here that they were?

Mrs. BROWN. Yes, sir. They were at my place and they had dinner.

Senator CAREY. They came there together?

Mrs. BROWN. Yes, sir; because they were waiting for some party, or some meeting to be held, I believe, up at the Elbo Ranch, I believe it was, but I am not sure whether it was up there or some other place up in that direction, anyway, but I cooked the dinner and served it to them before they went up there that evening, and they stayed there and ate it, and Mr. Winger stayed there with them and then went up to that meeting.

Senator CAREY. They were there together when the deal was closed?

Mrs. BROWN. No, sir; that was just with her.

Senator CAREY. How much commission did you pay her for the sale of your property?

Mrs. BROWN. I paid Mrs. Harrison a hundred dollars in this way—there was a friend of mine asked me if he could get me \$25 an acre for my land, he said, "How much will you give me?" and I said, "How much do you want?" and he said, "Would you give me a hundred dollars?" and I said, "Yes." I had told this to Mr. and Mrs. Harrison—they were friends of mine, and they came to my place one day, and I mentioned this proposition that this man made to me—and when the deal was made, Mr. Harrison said, "Then you can't charge her any more than that." That is how she come to get the hundred dollars.

Senator CAREY. This property of yours there includes the store and the store fixtures?

Mrs. BROWN. Yes, sir.

Senator CAREY. And how close is that store to the store at Moose that is operated by the Teton Investment Co., or whatever it is?

Mrs. BROWN. I don't think it is a half a mile.

Senator CAREY. Were you a competitor of theirs in that business there?

Mrs. BROWN. Yes, sir. I figured that that was the only reason in the world that they wanted me off of there, was because I had made a success of my business and they hadn't been making a success of their store last year, and I know it was because I got the business there. Mr. Turner almost as good as said so, and I believe that was the reason I was being moved off of there, was because they couldn't carry on their business successfully.

Senator NORBECK. You are operating a store at the same location?

Mrs. BROWN. I am not operating there now.

Senator NORBECK. You just moved your buildings over across the road?

Mrs. BROWN. No. In fact, I even sold to Mr. Turner about a hundred and twenty-eight dollars worth of my fixtures. I had all of them left on my hands. That was one reason I moved across the road, because I had to be somewhere where I felt like I could get rid of the stock I had on my hands.

Senator CAREY. Who is the owner of the store that Mr. Turner operates?

Mrs. BROWN. The Snake River Land Co., I understand.

Senator CAREY. No, it wouldn't be the Snake River Land Co.

Mrs. BROWN. It wouldn't?

Senator CAREY. It would be the Teton Investment Co. or the Teton Hotel Co.

Mrs. BROWN. Well, I don't know which one it would be.

Senator NORBECK. It all belongs to the same group?

Mrs. BROWN. It all belongs to the same group, as I understand it.

Mr. PICKETT. I have nothing further.

Senator CAREY. There is nothing further that I have.

Chairman NYE. That is all, then Mrs. Brown, and thank you.

Mrs. BROWN. I would like to say one more thing, and that is that Mr. Ed Robinson is here, I believe, and you can ask him all about the deal that he had. I believe he was at Elk all winter, except that he was down working in the hay field, and you can ask him all about it if you care to ask him.

(Whereupon, the witness was excused.)

TESTIMONY OF J. D. FERRIN

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your name, please?

Mr. FERRIN. J. D. Ferrin.

Mr. PICKETT. Where do you reside, Mr. Ferrin?

Mr. FERRIN. Jackson.

Mr. PICKETT. How long have you lived in this community?

Mr. FERRIN. Thirty-three years.

Mr. PICKETT. You were the former owner of the Elk Ranch?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. Where was that located, Mr. Ferrin?

Mr. FERRIN. Located between Spread Creek and Buffalo.

Mr. PICKETT. And northeast of here?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. About how far?

Mr. FERRIN. About 30 miles, or 32.

Mr. PICKETT. How long did you own that ranch?

Mr. FERRIN. I don't just remember. I didn't own the Elk Ranch altogether—that was the boys'. I had a homestead there, and I owned a lot of land besides the Elk Ranch, what they call the J F Ranch.

Mr. PICKETT. Did you and the boys run it together?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. Or were they separate outfits?

Mr. FERRIN. No, we run together.

Mr. PICKETT. A partnership?

Mr. FERRIN. Well, yes.

Mr. PICKETT. They were all one ranch?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. About how long did you own that entire outfit, all of you?

Mr. FERRIN. I think about 7 years. I think we bought the Elk Ranch in 1920 and sold it in '26 or '27.

Mr. PICKETT. That ranch is how many acres?

Mr. FERRIN. Six hundred and forty in the Elk Ranch.

Mr. PICKETT. And in the combined outfit?

Mr. FERRIN. The boys' outfit and all, I don't just——

Mr. PICKETT. Two or three sections?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. How many acres of meadow?

Mr. FERRIN. There was about 600 acres in the Elk Ranch and about that of the J. F.

Mr. PICKETT. That was considered one of the best cattle ranches in the valley?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. How many tons of hay was cut off of that ranch?

Mr. FERRIN. One year, we didn't measure all the bents of hay, but measured some of them, and then we averaged them up, and we had close to 5,000 tons of hay.

Mr. PICKETT. In 1 year?

Mr. FERRIN. Yes, sir. We had another ranch above that, and we had about 400 tons of hay up there that year.

Mr. PICKETT. What did you do with that hay—feed it or sell it?

Mr. FERRIN. We fed it.

Mr. PICKETT. How many cattle did you run that year?

Mr. FERRIN. We run all the way from 1,200 to 2,000.

Mr. PICKETT. What was the ranch capable of running?

Mr. FERRIN. Two thousand head, or twenty-five hundred.

Mr. PICKETT. And, as I understand you, you later sold this property to the Snake River Land Co.?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. Was the entire outfit, including the properties of your boys, sold at the same time?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. All made in one purchase?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. And all considered in one piece?

Mr. FERRIN. Yes, sir; it was averaged.

Mr. PICKETT. Then you divided the money among the boys and each took his share?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. Had this ranch been a profitable ranch in the cattle business?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. What did you do with your cattle after you sold?

Mr. FERRIN. I sold them, and drove some of them out to Sugar City and fed them.

Mr. PICKETT. Has there been any cattle run on that ranch since you sold it, if you know?

Mr. FERRIN. I don't think there has.

Mr. PICKETT. What price did you receive for that entire ranch Mr. Ferrin?

Mr. FERRIN. I couldn't say that now.

Mr. PICKETT. Don't you recall the purchase price?

Mr. FERRIN. You see, it was averaged, the various parts of it. I think it was about \$30 average.

Mr. PICKETT. You don't know what the total sum was?

Senator NORBECK. For how many acres?

Mr. FERRIN. There was in the neighborhood of 2,500 acres.

Mr. PICKETT. You are acquainted with the project referred to in this inquiry known as the "Snake River Land Co. project?"

Mr. FERRIN. Yes, sir.

Mr. PICKETT. And know the boundaries of it, approximately?

Mr. FERRIN. Approximately, yes.

Mr. PICKETT. This was probably the biggest property within that area?

Mr. FERRIN. Yes.

Mr. PICKETT. Were you satisfied with your price?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. And satisfied with your deal?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. Was anything said to you about the right of the Government to condemn during the negotiations for the sale of your land?

Mr. FERRIN. No, sir.

Mr. PICKETT. Was the deal that you entered into made fairly?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. You have no complaint?

Mr. FERRIN. No, sir.

Mr. PICKETT. Who handled the deal for the Snake River Land Co.

Mr. FERRIN. Mr. Miller.

Mr. PICKETT. When did you sell?

Mr. FERRIN. I think in '27. I was among the first ones.

Mr. PICKETT. Did Mr. Miller have a mortgage on your property at that time?

Mr. FERRIN. No, sir.

Mr. PICKETT. Or his bank?

Mr. FERRIN. I believe—no, I don't think they did. I had a farm loan. The bank had some mortgages on the cattle.

Chairman NYE. That farm loan was a Federal farm loan, was it?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. You were so financed that you could continue your business?

Mr. FERRIN. Yes, sir.

Mr. PICKETT. I have no further questions.

Senator CAREY. Mr. Ferrin, you were successful in the cattle business, weren't you.

Mr. FERRIN. Why, yes. I was up and down, like everybody else.

Senator CAREY. Like all the rest of us?

Mr. FERRIS. Yes, sir.

Senator CAREY. But, I mean, that you operated your cattle ranch in the northern part of the valley, and operated it successfully?

Mr. FERRIN. Yes, sir.

Senator CAREY. And you people came in here and you started here with practically nothing, and you had a large ranch and a thousand or more head of cattle, didn't you, when you sold?

Mr. FERRIN. In about 10 years, in 1919, I could have cashed in for a hundred thousand and had my land left. In the winter of 1919 I sold the Government here \$28,000 of hay and shipped 1,200 cattle down into Boise, and the cattle at that time would have averaged \$85 or \$90 a head, and the next spring they had gone down until they wasn't worth what we fed them in the winter. I shipped a bunch of heifers at the same time, the same kind of heifers that would have sold for a hundred dollars in Omaha, and there was a hundred head of them that I cut back and shipped them down there, and they lost the calves out of most of them, and before we got back the next fall most of them was dry, and I lacked a dollar of paying the winter bill, which cost \$41 for wintering them, and they brought \$40.

Senator CAREY. Now, Mr. Ferrin, you recall the winter of 1919 and 1920 that Mr. Skinner sold his hay and took his cattle over into Idaho? Was that the winter?

Mr. FERRIN. That was the winter, but he never sold his hay.

Senator CAREY. Didn't he take his cattle out of here?

Mr. FERRIN. He shipped his cattle out, but he didn't have hay enough to winter them. He sold a few dollars' worth.

Senator CAREY. Have you any knowledge of when those cattle were brought back in the spring that the rangers in the park stopped them from crossing the forest reserve?

Mr. FERRIN. There was trouble about it, but I don't know whether they stopped them.

Senator CAREY. But they tried to stop them?

Mr. FERRIN. Yes; there was some trouble over it, all right.

Senator CAREY. He was trying to get his cattle back to the valley?

Mr. FERRIN. Yes, sir.

Senator NORBECK. Did he drive across the park in getting out?

Mr. FERRIN. No; he drove over the forest.

Senator CAREY. Outside of the park territory?

Mr. FERRIN. Yes.

Senator NORBECK. I am greatly confused about driving and grazing.

Mr. FERRIN. In driving, we trail out to Ashton, and then come back in the spring, and when we bring them back in the spring, with a big bunch of cattle like that—he had probably 2,000 head—it was the trampling of the grass, you know. But in the fall I never had no trouble, but I always got a trailing permit. You just go to the ranger and get your permit, you know.

Senator NORBECK. But do you get your permit from the park people or the forest rangers?

Mr. FERRIN. From the forest. You don't get no permit from the park officials.

Senator CAREY. Was he successful in trying to stop Mr. Skinner?

Mr. FERRIN. They went through the forest.

Senator CAREY. I think that is all.

Mr. FERRIN. I would like to explain to you about a little thing I have been listening about, about this Mormon Row business. Now, there was a part of the Mormon Row already sold to the Snake River Land Co., and that has never been explained to you people. There is a 160 here and a 160 there, right around among them.

Senator ADAMS. Yes; that shows on the plats.

Mr. FERRIN. I have listened to the evidence and I never heard of it.

Senator ASHURST. Do you desire to say something that has not been brought out?

Chairman NYE. That is what it is, I take it.

Senator ASHURST. Sometime ago, when some other witness was on the stand, you made a remark about identifying a man the witness was referring to. Do you know anything about that?

Mr. FERRIN. Yes, that young fellow that was here was taken out to my boy's place by a young fellow by the name of "Hickey", and this young fellow was also out the day before he went to look at this land, and while he was out there, he found something in a bottle or something, and he had been sucking that a little.

Senator NORBECK. That might explain some of the other things.

Senator ASHURST. I wasn't pursuing anything of that sort.

Mr. PICKETT. Did you, during the year of 1925, sign a petition and take the same to Casper, a petition asking for the extension of the park down into this country, and stating as a reason that you had tried the cattle raising business and found it unsuccessful?

Mr. FERRIN. No, sir; not a petition of that kind. I didn't sign it. I signed a petition and took it to Casper, but not the way you have described it.

Mr. PICKETT. Perhaps we had better have this marked as an exhibit.

(Whereupon, the paper in question was marked for identification as exhibit 46, the same being as follows:)

EXHIBIT No. 46

PETITION

We, citizens of Wyoming and residents of Jackson's Hole, believe that the propaganda tending to discourage extension of Yellowstone National Park is largely based on deliberate misrepresentation. We are alarmed at the obvious misunderstanding of facts as disclosed by newspaper editorials over the State. It is evident, that the papers, perhaps acting in good faith, have drawn, for their information, on sources which either deliberately or through ignorance have misrepresented, not only the issue itself, but also the wishes of these residents of Jackson's Hole who will be most directly affected by the extension.

A survey of the actual situation, including statements of policy by both the Park Service and the Forest Service, discloses that the press of the State is not conversant with the matter under discussion. The result of this is to place the people of Jackson's Hole, whose opinion the papers profess to quote, in an embarrassing position.

The proposed extension of Yellowstone Park is drawn along definite lines. It is, in fact, little more than a transfer of Government lands from one Government department to the other. We believe that the press, and certain individuals who may be honest in their views, are unwittingly combating a plan which is necessary to preserve the scenic attractions and wild life of this greatest of Western playgrounds.

We earnestly urge that before any action is taken on a proposition so vital to us and to the State as a whole, as complete and unbiased an investigation as possible be made. It is well to point out that the Park Service and the Forest Service both have public documents and public information which completely and entirely explain the issues as they actually exist. It does not seem probable that the business people of Wyoming should attempt a decision without such knowledge, but we wish to simply remind them of the availability of all information.

In fact, we believe that the entire Jacksons Hole should be set aside as a recreational area, or should be administered as a recreational area, through whatever agency, State or national, is considered best fitted to do it.

In this connection, we wish to point out that under the present administration of the public domain here, which is by the Forest Service, we are confronted by a policy which works to the detriment of stock raising without definitely turning over the country to wild life and recreation. By trying to do two things at once, with the same area, thereby trying to please those interested in stock and those interested in recreation, the Forest Service has succeeded only in making life miserable for all concerned.

We have tried ranching, stock raising, and from our experience have become of the firm belief that this region will find its highest use as a playground. That in this way it will become the greatest wealth-producing region of the State.

The destiny of Jacksons Hole is as a playground, typical of the West, for the education and enjoyment of the Nation as a whole. It is inevitable that it shall some day become such a region, and we favor a definite setting aside of the country at one time, instead of piecemeal, to its recreational purpose. Small extensions of recreational values and range restrictions only cause confusion and tend to squeeze us out, little by little, from our business.

It is suggested that this matter be given serious consideration, to the end that such a move can be made, we do not care through what agency. We will be willing to not only cooperate in every way toward the realization of this big step, but we will at any time, in furtherance of it, sell our ranches at what we consider a fair price.

Name	Acres owned	Years of residence in Jacksons Hole	Name	Acres owned	Years of residence in Jacksons Hole
J. P. Cunningham.....	240	37	A. L. Tyler.....	160	25
J. D. Ferrin.....	2,000	30	Rosa Brown.....	320	25
Fred J. Topping.....	160	15	Harold Brown.....	160	22
Rudy Harold.....	320	20	W. L. Spicer.....	640	20
Margaret Cunningham.....	320	30	Ben F. Goe.....	320	20
Leonard J. Ferrin.....	800	28	Hiram H. Harrison.....	500	3
Edith A. Ferrin.....	80	22	Ben H. Seaton.....	160	16
Robert A. Ferrin.....	640	22	R. C. Kent.....	160	15
Charles M. Neil.....	320	19	Max Edick.....	160	14
George R. Erwin.....	160	15	Cora L. Edick.....	640	25
Noble Gregory.....	450	28	James S. Williams.....	320	25
Thomas Tracy.....	320	14	May S. Loevjoy.....	640	20
Nathan Smith.....	160	15	Joe Pfeifer.....	160	15
J. W. Germann.....	160	18	Albert Nelson.....	(³)	30
J. S. Chapline.....	160	10	J. F. Almy.....	160	13
Roy B. Lozier.....	160	27	L. E. Carlson.....	160	20
John W. Hogan.....	167	4	Luther Taylor.....	160	16
Ben Taylor.....	160	15	J. W. Moulton.....	160	13
C. R. Christian.....	160	10	Charles J. Allen.....	320	30
O. W. Snell.....	160	8	D. W. Clawson.....	160	2
A. C. Ables.....	160	14	William Ireton.....	160	15
James Wallace.....	160	15	J. J. Saunders.....	(³)	16
Hugh Smith.....	160	14	James Davenport.....	160	12
Harley Coffin.....	160	19	C. H. Rinehart.....	160	13
Mary Coffin.....	160	19	Joe A. May.....	160	28
Frank Coffin.....	(¹)	19	Bert Smith.....	160	4
George Greenwood.....	160	13	W. A. J. Snell.....	100	9
Ross Hill.....	160	5	J. B. Heninger.....	160	25
Charles W. Hedrick.....	300	25	John Riniker.....	320	10
Willard Miner.....	200	24	Richard Winger.....	160	13
Don Miller.....	160	15	Don Graham.....	640	6
J. L. Eynon.....	160	22	W. C. Steingraber.....	208	12
W. C. Thompson.....	(²)	14	J. R. Jones.....	600	19

¹ Undetermined.

² City property.

³ Town property.

Name	Acres owned	Years of residence in Jacksons Hole	Name	Acres owned	Years of residence in Jacksons Hole
Carl L. Bark.....	325	13	O. A. Seaton.....	160	8
Frank R. Williams.....	630	25	F. P. Bessette.....	152	13
James H. Manges.....	160	16	Mrs. Zora Mayer.....	166	20
M. D. Meeks.....	160	10	August Christiansen.....	173	18
J. A. Francis.....	340	27	H. C. Seaton.....	160	17
Ida B. Chambers.....	160	8	George Ryter.....	120	27
A. H. Chambers.....	160	12	J. H. Chambers.....	320	21
T. A. Moulton.....	160	15	William Crawford.....	1,800	40
John A. Moulton.....	160	15	Annie Crawford.....	160	20
Lydia Lozier.....	308	12	W. L. Francis.....	160	7
William Lozier.....		26	J. Q. Francis.....	440	7
Ray Ferrin.....	640	26	Willis Winegar.....	660	16
James McInelly.....	640	28	Henry Lingemelter.....	240	23
Horace J. Eynon.....	160	20	Ed. Mayer.....	160	24
W. L. Stilson.....	177	26	W. J. Kelly.....	500	17
M. E. Seaton.....	160	18			

Mr. PICKETT. Is this petition, exhibit 46, the petition referred to that you signed and took to Casper?

Senator ADAMS. When was this supposed to have been?

Mr. PICKETT. In 1925.

Mr. FERRIN. That's all right, but it don't say that the stock raising is a failure.

Senator ADAMS. Your signature is on the petition, apparently. Did you sign it?

Mr. FERRIN. Yes, sir.

Senator ADAMS. If you want to put it in, why not put it in?

Mr. FERRIN. It says that they believe it is better for recreation and wild life than stock raising, that's all.

Senator NORBECK. And it is.

Senator ADAMS. A petition doesn't prove anything.

Senator CAREY. Mr. Ferrin, have you ever seen the original of that petition? Where is the original?

Mr. HUNTER. Maybe I shouldn't undertake to answer that question, Senator Carey, but—

Senator ADAMS. What has it got to do with this hearing?

Mr. PICKETT. As I recall the testimony of this witness, he testified that he found the ranching business very successful.

Senator ADAMS. Yes; that is his testimony.

Mr. PICKETT. And he is a signer of a petition that he found it very unsuccessful.

Senator ADAMS. I assume you are challenging his veracity and, of course, he is not on trial.

Mr. FABIAN. Mr. Ferrin is one of the old ranchers in the valley, from whom I have got a great deal of valuable information about the efforts that were made before we came into this country to have accomplished some such project as we are undertaking now. It was by Mr. Ferrin's suggestion and following up his ideas that I came to the conclusion that this cattle drift should be provided for the cattle from the ranges in the lower part of the valley to their summer ranges. Mr. Ferrin was one of the signers of the Jackson Hole plan. He is not a loquacious man, and whatever is brought out from him will have to be brought out by questioning. I really am not as able to do that as, probably, Mr. Neilson. But this particular petition is a

petition that, I understand, he got from J. P. Cunningham, another rancher here, to take over to Casper in which they were endeavoring to enlist the efforts of people from the outside in this sort of thing. I would like to have brought out his ideas of the project before we came into it.

Senator CAREY. Who was the petition addressed to?

Mr. FABIAN. I just know what I am told. I understand it was sent to the Casper Chamber of Commerce. There was a move over on the other side in which these people were opposing the move in here. When was that, Mr. Ferrin?

Mr. FERRIN. In 1925, I think.

Mr. FABIAN. I think this witness has very valuable information, but I think Mr. Neilson is probably more familiar with the things that Mr. Ferrin knows.

Senator CAREY. Can't our attorney question him?

Senator NORBECK. Let me ask him a few questions, and maybe I can bring it out. There is about a hundred signatures to this petition, and most of them are ranchers?

Mr. FERRIN. Yes, sir.

Senator NORBECK. And among them is yours?

Mr. FERRIN. Yes, sir.

Senator NORBECK. That was 8 or 9 years ago?

Mr. FERRIN. Yes, sir.

Senator NORBECK. And the important thing is this:

We have tried stock raising, and from our experience have become convinced and firmly believe that this region will find its highest use as a playground, and in that way will eventually become the greatest wealth-producing region in the State.

Mr. FERRIN. Yes, sir.

Chairman NYE. You don't say there—

Mr. FERRIN. He asked me if I didn't take that petition over there, and tell them that the stock raising was a failure.

Chairman NYE. The petition doesn't say that at all.

Mr. FERRIN. No; the petition don't say that, and that's the reason I told him I didn't take no such petition.

Chairman NYE. Then, Mr. Ferrin, long before the time that this petition was drawn, you were all looking upon a project that you felt would be of greater import to the Jackson Hole country than a continuation of the cattle raising would be; is that right?

Mr. FERRIN. I can start in and tell you the thing like it was.

Chairman NYE. Well, let's have it.

Mr. FERRIN. In the first place, everybody was sore up in the upper country.

Chairman NYE. Everybody was what?

Mr. FERRIN. There was a feeling among people caused from the game, and some of them wanted dudes and some of them wanted the cattle, and some of them wanted 40 other things. We sent Mr. Eynon and another man down to Evanston, or Cheyenne, or somewhere, and got an appropriation for a road up through the country here, and we felt pretty good that we was going to get the road over here. Kelly was over here, a nice little town, and this road was coming right through Kelly. Well, we got this appropriation, and they sent the surveyors up here, and they surveyed the road to Kelly, and it took all summer, a big camp of surveyors, the road could have

been built for what they paid the surveyors. In the next year, the next spring, there was some move come up and some of the other boys went down and met with the road commission, and they switched that off and built a road to Jenny Lake, so it left us without a road up there, and we was kind of sore about that, and then this park business come up, and at the same time—now, when this petition was taken to Casper, there was another petition here that was going around, and I happened to have a friend over there and they asked me to come over, so I saw Mr. Eynon and Mr. Cunningham, and we talked the thing over a little bit about this petition. Now, this petition that they had out around here, there wasn't anyone who had seen it or knew anything about it, but they wanted to make the people believe that everybody who just had a homestead there, you know, that they had everything that they wanted on it, and they didn't want to sell at no price, and they didn't want nobody to buy it—so, anyway, to offset that, we talked it over and met down here and got a fellow by the name of Huff, I believe it was, to fix up this petition, and then we circulated it. We were only out a couple of days, but every rancher up in the country signed that petition that we talked to about it.

Chairman NYE. Then this whole program that now is so nearly completed was really started long before, not by the Snake River Land Co. but—

Mr. FERRIN. Oh, heavens, no.

Chairman NYE. In other words, long before the Snake River Land Co. or Mr. Rockefeller became interested, you folks, including yourself, had conceived this general program?

Mr. FERRIN. The neighbors had been fighting one another over it right along for years.

Senator CAREY. Let's get this straightened out. This petition was in 1925?

Mr. FERRIN. Yes, sir.

Senator CAREY. Didn't you have the park extension which was agitated by the Park Service in 1918, 1919 and 1920?

Mr. FERRIN. Yes.

Senator CAREY. That was prior to this petition?

Mr. FERRIN. Yes.

Senator CAREY. How long before that were the people of Jackson Hole agitating park extension, before 1918?

Mr. FERRIN. I can't really remember. When I first come to the country there was park extension being talked of.

Senator CAREY. Some people were talking about it?

Mr. FERRIN. Yes.

Senator CAREY. In 1918, isn't it fact that very few people here were in favor of park extension?

Mr. FERRIN. I don't think there was hardly anybody in favor of it. I know I put up \$50 to help fight it.

Senator CAREY. Yes, and do you recall that Mr. Burt and Mr. Winger were fighting it at the same time?

Mr. FERRIN. Yes, sir. We had a meeting when we come down—

Senator CAREY. Yes, I remember that.

Mr. FERRIN. We had a meeting, I think, that same day when we came down, and started the thing right here. That was the time that Mr. Burt and Mr. Winger and everybody else was opposed to the enlargement of the Yellowstone Park at that time.

Senator CAREY. And the only people that were agitating it then were the Park Service at that time; isn't that a fact?

Mr. FERRIN. Yes; that I know of. I don't know who started it, but, anyhow, that is how this petition come to be. We wanted to show the people of the State that we was tending to our own business, and we was willing to sell out at any time we figured we was given a fair price, and we didn't care whether it went into a park or what it went into so far as we were concerned. These people were looking out after their own interests and we was looking out for ours up there, and we thought we might get more money by selling it for a park, and that was the reason that this petition was sent over there, because there was a couple of others, but there wasn't neither one of them presented. They didn't present theirs and we didn't present ours.

Chairman NYE. So, gentlemen, we have been talking for the last half-hour about a petition that was never presented.

Senator ASHURST. You and your sons together received about \$75,000 for your land?

Mr. FERRIN. Why, in that neighborhood.

Chairman NYE. If there is nothing further, that is all, Mr. Ferrin—and thank you.

(Whereupon, the witness was excused.)

TESTIMONY OF EDWARD KETCHUM SMITH

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please.

Mr. SMITH. Edward Ketchum Smith.

Mr. PICKETT. Where do you live, Mr. Smith?

Mr. SMITH. I haven't got no regular home now.

Mr. PICKETT. Have you lived in the Jackson Hole for a number of years?

Mr. SMITH. Yes, sir; I lived in Jackson Hole 13 years.

Mr. PICKETT. Where did you reside, Mr. Smith?

Mr. SMITH. Jenny Lake.

Mr. PICKETT. How long have you resided there?

Mr. SMITH. Thirteen years.

Mr. PICKETT. On a homestead?

Mr. SMITH. Yes, sir.

Mr. PICKETT. Who lived there with you?

Mr. SMITH. My brother and a dog.

Mr. PICKETT. What did you do to make your living?

Mr. SMITH. We worked for the Forest Service when we felt like it, fished when we felt like it, and worked on the homestead when we felt like it.

Mr. PICKETT. You took life pretty easy, in other words?

Mr. SMITH. Yes, sir.

Mr. PICKETT. Did you own your place at that time?

Mr. SMITH. Yes, sir.

Mr. PICKETT. How many acres did you have?

Mr. SMITH. A hundred and sixty.

Mr. PICKETT. And you sold to the Snake River Land Co.?

Mr. SMITH. Yes, sir.

Mr. PICKETT. For how much?

Mr. SMITH. \$21,500.

Mr. PICKETT. For a hundred and sixty acres?

Mr. SMITH. Yes, sir.

Mr. PICKETT. That is a fair value for the land?

Mr. SMITH. As a farm, I should say, yes.

Mr. PICKETT. Where is this particular property located with reference to Jenny Lake?

Mr. SMITH. The northwest corner of it is within about a quarter of a mile of Jenny Lake. It is in T shape. There is 3 forties around the creek, and 1 forty goes over to the creek, the Cottonwood.

Mr. PICKETT. It is on the Cottonwood?

Mr. SMITH. Just one corner of it.

Mr. PICKETT. Is there any other water on it?

Mr. SMITH. There is 12 or 13 little springs on the west side of it.

Mr. PICKETT. Any trees?

Mr. SMITH. Yes.

Mr. PICKETT. What kind of buildings do you have on it?

Mr. SMITH. We had a log house there, considered the best log house in that part of the country.

Mr. PICKETT. Now, who has dealt with you for the Snake River Land Co. in making the purchase?

Mr. SMITH. There was two parties; first, Mr. and Mrs. Harrison, and when Mr. Winger finished it up.

Mr. PICKETT. How long was it before you sold after you were originally approached concerning the sale?

Mr. SMITH. I think about 2 years.

Mr. PICKETT. What price did you set on the property?

Mr. SMITH. \$25,000.

Mr. PICKETT. And finally agreed upon the price of \$21,500?

Mr. SMITH. Yes, sir.

Mr. PICKETT. And at that time were you satisfied with the price?

Mr. SMITH. No, sir; I was not.

Mr. PICKETT. Did you think that land was worth more than that?

Mr. SMITH. I think it is the most valuable piece of property in the park, or anywhere else in this piece of country.

Mr. PICKETT. It was your home?

Mr. SMITH. Yes.

Mr. PICKETT. It joined the park?

Mr. SMITH. Yes; three quarters.

Senator CAREY. When the Park was created it joined your land?

Mr. SMITH. Yes, sir; west.

Mr. PICKETT. Was there any conversation with you by either of these people relative to the right of the Government in condemnation proceedings?

Mr. SMITH. There was.

Mr. PICKETT. With whom did you have that conversation?

Mr. SMITH. Winger.

Mr. PICKETT. With any one else?

Mr. SMITH. Mrs. Harrison said they might condemn me, but Mr. Harrison told me to tell them to go to hell.

Mr. PICKETT. Did you ever make any inquiry or get any advice as to whether or not they could condemn you?

Mr. SMITH. Yes.

Senator ADAMS. Harris advised him.

Mr. PICKETT. With any attorney, regarding their right to condemn?

Mr. SMITH. I wrote to an attorney in Denver.

Mr. PICKETT. What did he advise you?

Mr. SMITH. He said, "You sit tight".

Mr. PICKETT. And did you sit tight?

Mr. SMITH. I did, until my brother got afraid, and we never come nearer to a fight one night over it; and he got scared, and Winger bluffed him, but he did not bluff me, though.

Mr. PICKETT. What was said about the right of condemnation?

Mr. SMITH. Well, that is a big word, for a roughneck.

Mr. PICKETT. I mean, the right of the park to take by law?

Mr. SMITH. Winger said, "If you don't sell this place they will condemn you and give you their price, which will not be near as much as I am offering you."

Mr. PICKETT. Was it explained to you that you had a right to go into the court in a proceeding of that kind?

Mr. SMITH. He never said "court" to me.

Mr. PICKETT. Did the attorney tell you?

Mr. SMITH. The attorney in Denver told me to sit tight, and I had an attorney dude from New York, his name was Putnam, and he told me "They cannot get you off of there, if you want to stay".

Mr. PICKETT. You did not rely on that information?

Mr. SMITH. My brother told Winger "I don't care a damn whether Ed will sell or not."

Mr. PICKETT. Did you have that place then?

Mr. SMITH. No; he was a bachelor, like myself, and said he would help develop it.

Mr. PICKETT. Did you have any other place together?

Mr. SMITH. No, sir.

Mr. PICKETT. Was the property mortgaged?

Mr. SMITH. No, sir.

Mr. PICKETT. Did you need the money at that time?

Mr. SMITH. We wasn't too flush, but we wasn't wanting for anything. We had horses, cows, chickens, and pigs and dogs, and tobacco money, and that is all we cared for.

Mr. PICKETT. Did this threat of condemnation influence you in any way in the sale?

Mr. SMITH. Not a bit, until my brother said he would let him have his half.

Mr. PICKETT. Where is your brother now?

Mr. SMITH. Tensleep.

Mr. PICKETT. How long had he lived in this country?

Mr. SMITH. I think he has been here about 8 years.

Mr. PICKETT. Were you shown a copy of the condemnation law?

Mr. SMITH. No, sir.

Mr. PICKETT. Did I understand your testimony to be that you agreed to sell mostly on account of your brother, and that you were not influenced by these threats?

Mr. SMITH. Yes; we had lots of good offers for that place before I ever knew Winger.

Mr. PICKETT. Did you have any offer for as much as \$21,500?

Mr. SMITH. I was offered—he said it was the Michigan College, that is down below here on the Hoback, they looked our place over for 2 days and wanted the northwest 40, and he asked me what I would take for it and I said \$10,000, and he says, "I think I can get you \$6,000 for it, and light and water throughout the houses, and, if

you want to, you can be maintainers of this place when it is not in use."

Mr. PICKETT. When was that?

Mr. SMITH. Well, it is a couple of years ago, before they built down here; I don't know just what year.

Mr. PICKETT. The deal never went through?

Mr. SMITH. No.

Mr. PICKETT. Is there anything else in connection with this matter, that influenced you in selling, that I have not questioned you about?

Mr. SMITH. It did not have any influence on selling, because it was after we had sold, Mr. Winger brought some kind of a drawn up or printed thing, that I did not understand much; it read "Ed K. Smith will never go in no kind of business north of Grovont, or buy any property", and I asked him for a copy of it and he would not give it to me.

Mr. PICKETT. Did he give you any reason for not giving you a copy?

Mr. SMITH. No.

Mr. PICKETT. Did you, Ed K. Smith, sign it?

Mr. SMITH. I did; I supposed of course he would give me a copy of it.

Mr. PICKETT. You read it, did you?

Mr. SMITH. Yes.

Mr. PICKETT. And signed it after you read it?

Mr. SMITH. Yes.

Mr. PICKETT. Have you violated that contract?

Mr. SMITH. I haven't had a chance.

Mr. PICKETT. I haven't any further questions.

Senator CAREY. You say you signed that contract after you sold?

Mr. SMITH. Yes, sir.

Senator CAREY. Why did you sign it?

Mr. SMITH. Well, just because I was foolish.

Senator CAREY. Were you threatened if you did not sign it?

Mr. SMITH. No; but before he made the deal he said "If you do not sell to these people it will be condemned, and you will not get as much or nearly as much as you are getting now."

Senator CAREY. Winger told you that?

Mr. SMITH. Yes.

Senator CAREY. I cannot see quite why you signed that paper. Had you been paid your money for the land when you signed the paper?

Mr. SMITH. Yes.

Senator CAREY. What reason did he give for asking you to sign the paper?

Mr. SMITH. Well, he did not want me to go in any business up there—dude business, or anything of the kind.

Senator CAREY. He did not threaten you if you did not sign?

Mr. SMITH. No.

Senator ASHURST. I am unable to understand your complaint, if you signed this after you received their money and there was no intimidation.

Mr. SMITH. The only reason I ever sold it was my brother said he would sell his half, and I knew I could not do anything without the buildings.

Senator NORBECK. You had the deed for the land, and he had nothing to show for his interest?

Mr. SMITH. That was the agreement between us.

Senator NORBECK. You wanted to keep faith with him?

Mr. SMITH. Yes.

Senator CAREY. Your brother wanted to sell because they were threatening to condemn?

Mr. SMITH. Yes.

Senator CAREY. That was the reason he wanted to sell?

Mr. SMITH. Yes; we talked it over until 3 o'clock in the morning.

Senator CAREY. He had been told by Winger they would condemn?

Mr. SMITH. Yes.

Mr. PICKETT. In your presence?

Mr. SMITH. Yes.

Senator ASHURST. Did this lead to a rupture of the relations between your brother and yourself?

Mr. SMITH. Yes; and have got the money spent.

Senator ASHURST. Did you buy this bank stock with the money?

Mr. SMITH. It was recommended by the best men in Salt Lake City; it would sure make a lot of money.

Senator CAREY. What bank was that?

Mr. SMITH. I think it was the Copper National.

Senator CAREY. Has there been any people in there trying to sell securities to people who sold their land?

Mr. SMITH. There was some oil men.

Senator CAREY. Nobody came around from Salt Lake City selling stocks and bonds?

Mr. SMITH. No.

Mr. PICKETT. Did you show the letter to your brother from the attorney regarding the right to condemn?

Mr. SMITH. Yes, sir.

Mr. PICKETT. Did you show that letter to Winger?

Mr. SMITH. I don't know as I told him that, but I told him what Putnam told me, who was a New York lawyer.

Mr. PICKETT. What did he say?

Mr. SMITH. Winger?

Mr. PICKETT. Yes.

Mr. SMITH. He said "He is mistaken."

Chairman NYE. Are there any further questions by members of the committee? Then that is all, Mr. Smith.

(Witness excused.)

TESTIMONY OF CARL M. KENT

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please.

Mr. KENT. Carl M. Kent.

Mr. PICKETT. Where do you live, Mr. Kent?

Mr. KENT. I live in Jackson at present.

Mr. PICKETT. How long have you lived in this community?

Mr. KENT. I have lived in this community approximately 23 years in Jackson—22 years in Jackson Hole.

Mr. PICKETT. Where were you living prior to coming to Jackson?

Mr. KENT. On a ranch about a mile and a half this side of Jenny Lake.

Mr. PICKETT. You and your wife?

Mr. KENT. Yes.

Mr. PICKETT. Did you have any business there?

Mr. KENT. We were conducting a tourist camp at Jenny Lake, but not on the place.

Mr. PICKETT. Did you own some property there?

Mr. KENT. Well, I had a desert entry there; that is where we maintained our home.

Mr. PICKETT. How many acres did you have?

Mr. KENT. Eighty acres.

Mr. PICKETT. Did you sell that land to the Snake River Land Co.?

Mr. KENT. Yes, sir.

Mr. PICKETT. When?

Mr. KENT. I sold that particular parcel in March 1930; I sold two parcels of land to the Snake River Land Co.

Mr. PICKETT. Both in that vicinity?

Mr. KENT. No, sir; the other was a homestead on the east side of the river.

Mr. PICKETT. It was your home?

Mr. KENT. The homestead was my home until after I came home from the Army, and found the outfit in ruins, and I moved across the river at that time because I thought I could develop it quicker and at less expense.

Mr. PICKETT. When did you sell the property on the east side?

Mr. KENT. January 1929.

Mr. PICKETT. How many acres was there of that?

Mr. KENT. Approximately one hundred and fifty-five.

Mr. PICKETT. How much did you receive for that?

Mr. KENT. Thirty-seven hundred.

Mr. PICKETT. For how many acres?

Mr. KENT. Approximately one hundred and fifty-five.

Mr. PICKETT. Were you satisfied with that sale?

Mr. KENT. I was at that time; yes, sir.

Mr. PICKETT. You feel that if you had hung on you would have got more money?

Mr. KENT. At that time I was forced to purchase a property, a home, in Jackson on account of my stepchildren going to high school, and I sold that for that purpose.

Mr. PICKETT. You had 80 acres near Jenny Lake?

Mr. KENT. Yes, sir.

Mr. PICKETT. What did you receive for that 80 acres?

Mr. KENT. I received \$5,500.

Mr. PICKETT. How much is that an acre?

Mr. KENT. Around \$67.

Mr. PICKETT. Where is that land located?

Mr. KENT. It is 2 forties, lying along the highway, the northernmost quarter this side of Jenny Lake.

Mr. PICKETT. East of the highway?

Mr. KENT. Immediately joining the highway.

Mr. PICKETT. On the east side?

Mr. KENT. Yes.

Mr. PICKETT. Back in the timber?

Mr. KENT. Yes, sir.

Mr. PICKETT. Are the buildings on timber land?

Mr. KENT. Just at the east margin of the desert entry.

Mr. PICKETT. Is there any water on the place?

Mr. KENT. A ditch out of Cottonwood Creek; yes, sir.

Mr. PICKETT. A water right?

Mr. KENT. Yes.

Mr. PICKETT. Do you farm in there?

Mr. KENT. I had 12 acres in alfalfa, for development.

Mr. PICKETT. Was this a fair value for the property?

Mr. KENT. It depends on how a person looks at it. As agricultural land it is probably high, considering that the lands on the other side of the valley were more valuable for prospective tourist camps and dude camps.

Mr. PICKETT. It was your home?

Mr. KENT. It was; yes, sir.

Mr. PICKETT. Did you want to sell it?

Mr. KENT. No, sir; I did not particularly want to sell it.

Mr. PICKETT. Why did you sell it?

Mr. KENT. As a matter of fact, I had no patent to the land, I sold my relinquishment. There was several reasons why—one reason why was I got to the point where I had grave doubts whether I would get patent to the place.

Chairman NYE. What occasioned those doubts?

Mr. KENT. The report of the inspector, after I made my final proof; that is, a statement he made to me.

Senator CAREY. Who was the inspector?

Mr. KENT. I do not remember his name.

Senator NORBECK. Did he claim your particular kind of land would not come under the stone and timber act?

Mr. KENT. No; I was very careful in the development of this 80 acres to keep within the letter of the law, and I complied with the law in all respects at that time. I had a copy of the desert act and I think I was familiar with it, and I had to raise 30 acres, and I had done that. I showed that by my witnesses. This inspector came in in the summer of 1929, and Dr. Huff—I was marshal in the town at that time, and I went up there in company with the inspector, or field investigator, and he inspected my place and Dr. Huff's at the same time, and he told us that he could not make a favorable report on either of our places, and I asked him why, and he said "You did not raise consecutive crops." I said, "I do not have to", and he said, "You have to", and I asked him to show me the law where it showed that, and he said he could not do it, but he said he was going to make an unfavorable report, and he would recommend in both mine and Dr. Huff's that we be given 2 years to raise consecutive crops.

Senator NORBECK. He did not propose a cancelation, but a holding off until you raised consecutive crops, and withholding patenting until that time?

Mr. KENT. Withhold patent indefinitely. He had no excuse but that is all, that I had not complied with the law.

Senator NORBECK. The point is that he insisted it had to be more than one crop, and you insisted one crop was sufficient?

Mr. KENT. He could not show me in the desert law where it required consecutive crops, because it did not state so.

Chairman NYE. Who was that representative of the Land Office?

Mr. KENT. I do not remember his name.

Chairman NYE. Was it either of the gentlemen here today?

Mr. KENT. It was not Mr. Williams, and I do not think it was Mr. Dyer. I have a pretty good memory for faces, and it seems to me—

Chairman NYE. Mr. Dyer, come forward, please.

Mr. DYER. Mr. C. W. Wells, now retired, was placed exclusively in the position of handling desert entries and coal prospects, and I think I recall quite definitely he was in here in 1929. He is now retired from the service. Was he an elderly gentleman?

Mr. KENT. Yes; he appeared to be 60 or 65 years old.

Mr. DYER. That is the gentleman.

Senator CAREY. Mr. Dyer, are you acquainted with that provision of the law; does it require consecutive crops?

Mr. DYER. It does not.

Senator CAREY. Just one crop?

Mr. DYER. Yes, sir.

Mr. KENT. I recall this gentleman; for the simple reason that he was insolent, and he aggravated me to the point—he was an older man, I did not want to put my hands on him.

Senator NORBECK. This was in 1929?

Mr. KENT. Yes; he came in rather late that summer.

Senator NORBECK. What happened in the case of Dr. Huff?

Mr. KENT. I don't know. His claim was a 40-acre tract laying along Cottonwood Creek, a little more than a mile from mine.

Senator NORBECK. As far as you know, it went to patent?

Mr. KENT. I don't know, sir. The inspector said he intended to take the same action on both entries.

Senator NORBECK. Did Dr. Huff proceed to raise further crops?

Mr. KENT. I never took further interest. That was the last summer we were allowed to operate our tourist camp at Jenny Lake, and we removed to Jackson that fall.

Senator CAREY. You had a tourist camp within the park?

Mr. KENT. Yes.

Senator CAREY. And after the park was created you moved out?

Mr. KENT. We operated 2 summers after the park was created. We operated 8 summers altogether, the first 7 summers under what we call a special permit in the forest. In 1929 we had received our permit in February that year, and then the park law became effective and Superintendent Woodring said that inasmuch as we had a permit we would be allowed to operate that year but it was understood it was the last year.

Senator NORBECK. You were within the area which was created a park?

Mr. KENT. Yes.

Senator NORBECK. And the law creating the park barred that kind of business?

Mr. KENT. I was told so, but Woodring figured some way of operating for 2 years under the permit from the Park Service.

Senator NORBECK. You felt the Park Service went as far as they could with you in the matter?

Mr. KENT. Woodring did; he was very considerate in all our dealings with him; I don't know so much about the park, the National Park Service.

Senator NORBECK. That is your contact with the Park Service, with Superintendent Woodring?

Mr. KENT. Yes, sir.

Senator CAREY. Is that the only reason you sold, because you were afraid you could not get back?

Mr. KENT. No, sir; as I stated, there was several reasons—that was one, that I doubted whether or not I would ever get a patent. We had had one bona fide offer for the land—Mr. A. C. Erickson, later killed in an automobile accident, told us he would give us \$100 for the land if we got patent to it. Another gentleman, a dude traveling through, stopped at the camp, and was interested in a summer home, and my wife told him we did not have a patent, and, he said, "After you get the patent what would you take for it?" and she said, "\$150 an acre", and he said that was very fair. We considered this was a tentative offer. The first conversation I had with Winger in regard to the sale of the property, he did not exactly make me an offer, but he approached me on the street and asked me if I would take \$75 an acre for the land. I explained we did not have the patent, and he said he would buy the patent. He stated that the \$75 offer was not an offer but, he said he would try to get it if we would accept it. I said I would talk it over with my wife, and I asked Colonel Erickson's advice, as a friend, and he simply told me, "I will see Fabian at Moran, and before you sell let me talk this over with him; I think I can get more money"; and what conversation he had with Fabian I do not know, but evidently it revealed Fabian's figures, because Winger then told me he did not think he wanted to buy my property at any price.

Senator NORBECK. Were you here last night?

Mr. KENT. Yes, sir.

Senator NORBECK. The same Erickson who testified about buying up places and selling them to the Land Co. at advanced prices?

Mr. KENT. I don't know. Colonel Erickson was killed a few years ago.

Senator NORBECK. Someone was coming in and picking up the places and selling them at advanced prices.

Mr. KENT. However, during the fall of 1929 I had the opportunity of a business deal in town that required some considerable cash, and I approached Winger and told him that I was willing to sell at that time and we would accept \$60 an acre, or \$4,800, and he told me that he could not give an answer but would have to take it up with Fabian, and a couple of days after he told me that he had done that and Fabian did not want my land at any price. The thing run along until after the first of the year in 1930, and I was in the courthouse on business and Mr. Winger called me in the office and told me he would give \$5,500 for that place.

Senator NORBECK. That would make——

Mr. KENT. \$700 more than I offered to sell it for. I again told him I would have to talk it over with my wife, and I did, and, in consideration of the fact that I would never get a patent for the land, and Mr. Winger mentioned that if I did not sell my place it would be subject to condemnation, and it being based on agricultural value it would get me 10 or 12 dollars an acre——

Senator NORBECK. You got \$700 more than you offered to sell it for at one time?

Mr. KENT. Yes, sir.

Senator NORBECK. That was a consideration in selling, too, wasn't it?

Mr. KENT. It was not much of a consideration in our case, because we expected to make our home there.

Senator NORBECK. You did offer to sell it for \$700 less?

Mr. KENT. I offered to sell at \$60 an acre for the particular purpose of getting money. All of these people that I heard talk, connected with the Snake River Land Co., stated there would be no freeze-out in regard to the buying. I knew it would be a case of freeze-out, whether they chose to have it so or not. Whenever your neighbors sell out it is natural to expect that your school and postoffice are gone, also your local markets. Also, in my conversation with Winger, something was said about what we were expecting to do if I kept the place, and I told him my wife and I expected to build a tourist camp there. He stated if the park was extended, in such event I would not be allowed to carry on any business, except tilling the soil, and that a man could not make a living on it for the simple reason that no crop there is profitable except alfalfa, and it takes 4 to 6 years to develop the crop there.

Senator NORBECK. Agriculture is not profitable, but tourists are?

Mr. KENT. Hay is profitable, but it takes a certain amount of time to raise a proper stand there.

Senator CAREY. Winger told you you could not conduct a business on your own land?

Mr. KENT. If the park extended around my place I would be permitted to till the soil.

Senator CAREY. The law required you to till the soil, but not to conduct any other business?

Mr. KENT. Yes, sir.

Senator CAREY. I wonder where that law is.

Senator NORBECK. That is the law creating Teton Park; it was put in at the request of this community.

Senator CAREY. You say that if a man owns a piece of deeded land in there, that when it is taken into the Park he cannot do with it as he wishes?

Senator NORBECK. One witness testified to that this afternoon.

Senator CAREY. What do you think of that, Senator Ashurst?

Senator ASHURST. I do not think you ought to request me to give me to give advice on the point. You had a tract of land, that you held in fee simple, within the boundaries of the Park?

Mr. KENT. If the patent had issued and the Park had been extended to encircle my place the question is whether I would have been within the park or not.

Senator ASHURST. If you had received a patent, your land might have been enclosed by park lands, but you would have been allowed the right of ingress and egress to and from your land?

Mr. KENT. Yes, sir.

Senator ASHURST. With due apology I do not wish to give an opinion.

Senator NORBECK. No one here is competent to give it.

Senator ASHURST. You undoubtedly could have conducted any legal business you wished, if you had a fee simple title to the land.

Senator NORBECK. But a conditional title might have been issued.

Senator ASHURST. It could be possible.

Mr. KENT. I doubted at the time, if I was in the park would I be subject to park rules and regulations. If so, I would have to have a

permit to operate any sort of business. I was in doubt about it, and since I had my family and children, I could not afford to take a chance, I did not think.

Senator NORBECK. Since the patent had not been issued they might have had the power to issue a conditional patent. For instance, many patents in the West, not only in the West but in the Southwest, have reserved to the Government the right of waterways and tramways, and so forth, even on deeded patented land, so we are not able to anticipate what might have been required of you to get that patent.

Senator CAREY. The White Grass is located within the boundaries of the Teton National Park, where they have restrictions, and they operate a dude ranch.

Senator ASHURST. They probably have their title.

Senator CAREY. I contend that this gentleman would have the same right to operate a ranch in there as has the White Grass.

Senator ASHURST. The Yellowstone National Park has quite a different status from, say, the Grand Canyon National Park in Arizona, although both parks were created by acts of Congress. Yellowstone became a national park before Wyoming became a State; the sovereignty of the State of Wyoming is excluded from the Yellowstone Park. There is no justice of the peace, no constable, in the Yellowstone Park. The sovereignty of the Yellowstone Park rests in the United States; the sovereignty of the Teton Park is still in Wyoming, unless, indeed, the legislature has surrendered it. In the Grand Canyon National Park, which was created after Arizona became a State, the park authorities have certain jurisdiction, but the State has never surrendered its sovereignty, and there is a justice of the peace in the park.

Senator NORBECK. And power of taxation?

Senator ASHURST. Power of taxation, indeed, and those persons who have valid subsisting rights in the Grand Canyon National Park may pursue any legitimate calling on their land. But the park does exclude persons doing business there without a permit on park lands because such persons did not have subsisting rights when that park was created. If you had a patent to your land before the creation of the Teton National Park undoubtedly you could have followed any legitimate calling on your land.

Mr. KENT. The Teton did not take in my land when I sold it. And still another reason I sold was in regard to grazing. I had 80 acres, and if I ever undertook to have more than four or five milch cows I would require grazing land. Timber cutting also applied.

Mr. PICKETT. Did those representations influence you in the sale?

Mr. KENT. Absolutely.

Mr. PICKETT. Would you have sold without them?

Mr. KENT. No, sir; I would not. We were not forced to sell at the time, and I very much preferred holding on until I got my patent, and possibly continue to stay on indefinitely.

Mr. PICKETT. You had not made final proof?

Mr. KENT. I had made final proof; yes, sir.

Mr. PICKETT. But the report of the investigator was as you have stated?

Mr. KENT. He stated it would be unfavorable, and at that time we made the transfer at the bank we also signed a warranty deed to be

used in the event patent had been issued, which it had not. I got my \$80 back, which I used in making final proof. We also signed an agreement not to acquire any property within these specified boundaries. There wasn't any talk about the matter—Winger merely laid the paper before me and I glanced at it, and I was very much disgusted with the affairs in the upper valley, and I signed it without any hesitation, and my wife also. It stated we agreed to sell the same to the Snake River Land Co. for \$5 or \$10.

Mr. PICKETT. You signed that of your own free will?

Mr. KENT. Yes, sir.

Senator CAREY. How long after this inspector was there did you make your proof, upon which you sold your land?

Mr. KENT. I made proof in the spring of 1929, and I sold March 15, 1930.

Senator CAREY. A year before?

Mr. KENT. A little short of a year, yes.

Senator CAREY. Did you have any advice from the Land Office as to that?

Mr. KENT. No word from the Land Office at all.

Senator CAREY. Did you get a patent receipt?

Mr. KENT. I had nothing afterwards to advise me as to whether I would get a patent or not, and I had come to believe that if any official of that sort of the Land Office was crooked, or subsidized to any extent, that he could delay the issuance of patent on that land, when I had complied with the law in every respect, and then they might never grant a patent.

Chairman NYE. In your dealings with Winger or any one else connected with the Snake River Land Co., did they indicate knowledge of what the General Land Office representative had told you?

Mr. KENT. No, sir, as far as I remember no reference was made to the Land Office or their doings in any manner.

Chairman NYE. So far as you know there wasn't any understanding between the Snake River Land Co. and the representative of the General Land Office?

Mr. KENT. Not so far as I know, but common sense would tell you that a man that would do as that inspector did was subsidized by some one. The law is plain as to desert entries, and it is written in language any one can understand; that is the purpose of it.

Chairman NYE. You say this gentleman dealt with Dr. Huff?

Mr. KENT. He dealt with Dr. Huff.

Chairman NYE. Is he around here?

Mr. KENT. I imagine so.

Chairman NYE. Is he in the audience? Mr. Pickett, do you expect Mr. Huff to appear?

Mr. PICKETT. I expect to call him.

Chairman NYE. Do you know of any others with whom this gentleman dealt?

Mr. KENT. He told me that he had to go over to inspect the homestead of Irving Corse.

Senator CAREY. Was Corse told the same thing?

Mr. KENT. I never saw Corse, or this inspector later, in regard to Corse's land.

Senator CAREY. Didn't you tell Winger that this inspector had told you that you could not prove up?

Mr. KENT. I do not remember of having discussed that with Winger at all.

Senator CAREY. Winger never referred to it in any way?

Mr. KENT. No, sir. I think it was testified today something with reference to Irving Corse's desert that he had made proof, and I believe he had received his patent, but it was to be inspected for some reason or other.

Senator NORBECK. Isn't the chief value in the tourist business and the business you conducted in the fact that those places are not very close together—the business not overdone?

Mr. KENT. With reference to tourist camps?

Senator NORBECK. Yes; in other words, while a lot of this country's scenic value and suitability for tourist camps has value, isn't it a fact that it would have no value if you had one on every tract of land?

Mr. KENT. We had the only one between here and Moran.

Senator NORBECK. But if every one else was in the same business—

Mr. KENT. It would not show good sense on their part to go into that business.

Senator NORBECK. About the same as the cattle business?

Senator CAREY. Or filling stations.

Senator NORBECK. Yes, unfortunately.

Mr. KENT. But it is reasonable for the pioneer in a business to expect the inside track.

Senator NORBECK. They have some lead over the others?

Mr. KENT. The customers come back to us year after year; people come to us from California, New York, and every part of the United States.

Senator NORBECK. The testimony here has been on the idea that every iota of it could be a tourist camp.

Mr. KENT. The reference I had to that was the valuation of the land west of the river, compared with that east of the river, as more suitable as to its proximity to the mountains.

Senator CAREY. As a successful dude ranch it would be very valuable?

Mr. KENT. I think so. Our place I had was directly in front of the Grand Tetons—there is no better view on this side of the river. Another reason why I was dissatisfied with the price for the place was because I understood neighbors were being paid more. Of course they had the nerve to ask it, and I was on the fence; in other words, if I did not sell to the Snake River Land Co. I would not sell to any one.

Senator NORBECK. Would you say they took offense through acting through other parties who went up to see them?

Mr. KENT. I never authorized Erickson.

Senator NORBECK. That seemed to have stirred something the wrong way?

Mr. KENT. That seems so; yes, sir.

Mr. PICKETT. That is all I have.

(Witness excused.)

TESTIMONY OF CHARLES W. HUFF

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please?

Mr. HUFF. Charles W. Huff.

Mr. PICKETT. You are a resident of Jackson?

Mr. HUFF. Of Jackson.

Mr. PICKETT. A physician and surgeon, doctor?

Mr. HUFF. Yes, sir.

Mr. PICKETT. I understand you are the present mayor of Jackson?

Mr. HUFF. I am.

Mr. PICKETT. And have been for how long?

Mr. HUFF. Four years.

Mr. PICKETT. Just previous to your taking the stand a man testified in connection with an entry which you had on a stone-and-timber claim; did you have an entry on a stone-and-timber claim?

Mr. HUFF. No; I did not.

Mr. PICKETT. Have you ever had one?

Mr. HUFF. No.

Mr. PICKETT. Have you ever had any other entry?

Mr. HUFF. I have had a desert claim.

Mr. PICKETT. A desert entry on public land?

Mr. HUFF. Yes, sir.

Mr. PICKETT. Where was your desert entry?

Mr. HUFF. On Cottonwood Creek, about a mile this side of Jenny Lake.

Mr. PICKETT. How many acres?

Mr. HUFF. Forty acres.

Mr. PICKETT. During the year 1929 did a Government inspector consult you with reference to that entry?

Mr. HUFF. He did not.

Mr. PICKETT. Has any Government inspector ever consulted you?

Mr. HUFF. No.

Mr. PICKETT. Did you receive patent for that property?

Mr. HUFF. I received my final receipt, and the patent was pending the operation of the usual Government procedure.

Mr. PICKETT. When did you receive your final receipt, do you recall?

Mr. HUFF. Late in 1929, I think.

Mr. PICKETT. When did you finally sell?

Mr. HUFF. I believe it was 1930, in the spring.

Mr. PICKETT. Almost 2 years after you received your receipt?

Mr. HUFF. Late in 1929.

Mr. PICKETT. You had not yet received your patent?

Mr. HUFF. I had not.

Mr. PICKETT. Did you eventually sell to the Snake River Land Co.?

Mr. HUFF. I did.

Mr. PICKETT. And relinquished to the Government?

Mr. HUFF. Yes, sir.

Mr. PICKETT. Did the fact that you had not received your patent over that time influence you in any way in regard to your sale to them?

Mr. HUFF. It did not.

Mr. PICKETT. Was any contest ever entered against your property?

Mr. HUFF. There was not.

Mr. PICKETT. Who did you deal with in selling?

Mr. HUFF. Mr. Winger.

Mr. PICKETT. The dealings were fair?

Mr. HUFF. Fair.

Mr. PICKETT. What did you receive for your property?

Mr. HUFF. \$100 an acre.

Mr. PICKETT. Where is that located?

Mr. HUFF. It is located on the west side of the highway, about a mile this side of Jenny Lake, and is traversed diagonally by the Cottonwood Creek, and is timbered along the creek.

Mr. PICKETT. Were you satisfied with the price?

Mr. HUFF. I was.

Mr. PICKETT. Were any unfair methods used in getting you to sell this property?

Mr. HUFF. Certainly not.

Mr. PICKETT. Was anything said about condemnation proceedings?

Mr. HUFF. No, sir.

Mr. PICKETT. Were you aware of the fact that if the area was created a national park you would have the right of condemnation?

Mr. HUFF. I knew the law provided for condemnation in parks.

Mr. PICKETT. How did you happen to know about that condemnation matter?

Mr. HUFF. It was a matter of more or less conversation over the valley, I think.

Mr. PICKETT. Do you believe that that, as a matter of general conversation, influenced many of these people into selling?

Mr. HUFF. I do not believe it did, although I think it got well established, when they were paying as substantial prices as they were.

Mr. PICKETT. Was it a matter of general conversation and knowledge in the valley as to the proceedings in condemnation; do you know that?

Mr. HUFF. I think it was.

Mr. PICKETT. Were you familiar with it?

Mr. HUFF. I was aware of the fact that I had the privilege of the courts in the event of a condemnation proceeding.

Mr. PICKETT. How did you happen to get that information?

Mr. HUFF. Because of the general discussion of the matter.

Mr. PICKETT. Did you consult an attorney about it?

Mr. HUFF. I did not.

Mr. PICKETT. It was just a matter of common knowledge that you received?

Mr. HUFF. Yes, sir.

Mr. PICKETT. Do you own any other land within this area at this time?

Mr. HUFF. I do.

Mr. PICKETT. Where is that land located?

Mr. HUFF. It is scattered pretty well all over Jackson Hole.

Mr. PICKETT. When did you purchase that, Doctor?

Mr. HUFF. I purchased that in 1929.

Mr. PICKETT. After this project had started?

Mr. HUFF. Yes; although I had made arrangements to purchase it, or efforts to purchase it, in 1926, before the Snake River Land Co. had been organized at all.

Mr. PICKETT. Purely as a speculative matter?

Mr. HUFF. No; we had planned the operation of a tourist or dude-ranch development.

Mr. PICKETT. Where is that land—is it contiguous, or scattered all over?

Mr. HUFF. The main ranch is about 2 miles from Jackson, in the upper end of this valley, and it is the large buildings you notice in the center of the valley.

Mr. PICKETT. You had been quite interested in this project: Is that due to your ownership of this land, or have you reasons why you believe it is for the betterment of the country?

Mr. HUFF. I presume it is partly for both reasons. I have land I would be very willing to sell and, naturally, other land that I would prefer holding.

Mr. PICKETT. You were, up to not so long ago, opposed to the creation of parks within this area?

Mr. HUFF. No; I was opposed to the extension of the Yellowstone National Park; I was not opposed to the extension of the Teton National Park.

Senator CAREY. What was the difference to the valley, whether you extended the Teton or the Yellowstone?

Mr. HUFF. There is a provision in the law, I believe, at the time of the creation of the Yellowstone National Park, that the personal property developed in the Yellowstone National Park will not be taxable, and that any extensions of the Yellowstone National Park shall carry the same provision.

Mr. PICKETT. You did not believe that, if the Yellowstone National Park was extended to include the land of the State of Wyoming, that those provisions of the law creating Yellowstone Park, before it was a State, would apply to that particular area?

Mr. HUFF. I do not know whether they would still hold or not, but I presume they would; it so states.

Mr. PICKETT. Have you ever been in the employ of the Snake River Land Co.?

Mr. HUFF. I have not.

Mr. PICKETT. Have you sold any other land except that desert entry, Doctor?

Mr. HUFF. I have not.

Mr. PICKETT. Has your wife?

Mr. HUFF. No.

Mr. PICKETT. Did she have a desert entry also?

Mr. HUFF. She did not.

Mr. PICKETT. Is there anything you would like to say in connection with this project as the mayor of the town, and the largest community here?

Mr. HUFF. I would like to say that I am thoroughly acquainted with the people of Jackson Hole. I think I know their first names, as well as their last names, and I think perhaps I am better acquainted with their private lives, as well as their financial circumstances, than most of the people here, and I feel, with that knowledge, that the importance of the settlement of this project is the most pressing problem of the valley. I also feel that a very large majority of the people of Jackson Hole are strongly in favor of the program of the Snake River Land Co., and of the Jackson Hole plan, and we feel that we have a right to complete that project along the lines outlined.

Senator ASHURST. Your statement of opinion is that the suspicion the uncertainty, as to what is going to happen, is about as dangerous or unpleasant as what might happen?

Mr. HUFF. A vital pressing problem; yes.

Senator ASHURST. The uncertainty is a cause of the distress?

Mr. HUFF. Yes; that, and, in addition to that, the actual conditions of the people who remain, not necessarily because of their financial distress, but their families are in many instances about ready for high school—they are not located where they can reach high school easily at all, and there is no likelihood of their being able to finance high school education in their present locations. There is no effort being made to provide that.

Senator CAREY. Isn't that true of anybody living in the country in Wyoming, that they do not have high-school facilities?

Mr. HUFF. I presume that is so.

Senator CAREY. That is true of anybody living in the country?

Mr. HUFF. Yes, that is true. The distances here are a little greater, and the winter conditions are a little more severe, I think, than in most locations in Wyoming, and snow gets very deep and transportation is very difficult, if not impossible.

Senator NORBECK. How cold does it get here in the winters?

Mr. HUFF. It has been as much as 60 below on my back porch.

Senator NORBECK. That is pretty hard on livestock?

Mr. HUFF. Yes.

Chairman NYE. In what time of the year does that 60 below period come; are you approaching it, by any means?

Mr. HUFF. That was not an official thermometer, but I believe the official thermometer registered 54 below.

Chairman NYE. The committee hopes we will complete our task before that time.

Mr. HUFF. That was late in December.

Chairman NYE. We ought to make it. Did Kent ever confer with you with respect to your rights on this desert entry?

Mr. HUFF. I do not recall that he did.

Chairman NYE. At least you were not aware that any contention was offered at that time that you might not be able to get patent to your land?

Mr. HUFF. I was not concerned with it, because I had complied with the law.

Chairman NYE. Had you been told you would have to grow consecutive crops there?

Mr. HUFF. No.

Mr. PICKETT. Did you grow consecutive crops?

Mr. HUFF. I did not.

Senator CAREY. Doctor, it is a fact that at that time you were in favor of this plan for the extension of the park, isn't it?

Mr. HUFF. Yes, of the Teton National Park.

Senator CAREY. And this land agent made no such statement to you, that Kent says he made to him, that you must grow consecutive crops?

Mr. HUFF. I didn't even see the man from the Land Office. I knew he was to inspect the property, but I was busy and did not know when he came or when he left.

Senator CAREY. How much land have you sold to the Snake River and Co.?

Mr. HUFF. 40 acres.

Senator CAREY. How much land do you own now?

Mr. HUFF. I own 980 acres, I believe, north of the Gros Ventre.

Senator CAREY. Have you been buying any tax titles for land?

Mr. HUFF. Yes, I have.

Senator CAREY. Is that included in the 980 acres?

Mr. HUFF. There is 160, I believe.

Senator CAREY. So you would have about 1,100 acres to sell if this went into the park, or if this project is completed?

Mr. HUFF. The 160 I referred to is included in the 980.

Senator CAREY. When you sold that 40 acres of land did you have to sign any contract that you would not engage in any business, and so forth?

Mr. HUFF. No, sir.

Senator CAREY. That is all.

Mr. PICKETT. I would like to ask, doctor, did I understand that you had 960 and 160, and that included all of your tax titles?

Mr. HUFF. No; I said I had 980 acres, I believe, in the Snake River area, and 160 of that was acquired by tax titles.

Mr. PICKETT. Have you any additional tax-title certificates of purchase within the area?

Mr. HUFF. No.

Senator CAREY. Have you been associated with anyone buying these tax titles?

Mr. HUFF. I have not.

Senator CAREY. You have been acting for yourself?

Mr. HUFF. Yes, sir.

Chairman NYE. I think that is all, doctor, and we thank you.

(Witness excused.)

(Thereupon, at the hour of 6:10 p.m., the hearing stood in recess until the hour of 9:30 a.m., Aug. 10, 1933.)

INVESTIGATION OF PROPOSED ENLARGEMENT OF THE YELLOWSTONE AND GRAND TETON NATIONAL PARKS

THURSDAY, AUGUST 10, 1933

UNITED STATES SENATE,
SUBCOMMITTEE OF THE
COMMITTEE ON PUBLIC LANDS AND SURVEYS,
Jackson, Wyo.

The subcommittee met pursuant to adjournment at the hour of 9:30 a.m., with all of the members of the committee and counsel being present, whereupon the following proceedings were had:

Chairman NYE. Will the committee proceed?

Senator CAREY. I ask to place in the record a reply to the letters which were inserted of Mr. Albright, Mr. Fabian, and Mr. Winger, published in the Grand Teton.

Chairman NYE. Do I understand that is the letter of Mr. Simpson published about the same time that the others were published?

Senator NORBECK. There was some testimony that we got here yesterday that proved to be very unreliable, one witness telling what the Government inspector told him and told Dr. Huff, and it turns out he was entirely mistaken what he told Dr. Huff, but the witness inferred that the Government official had been fixed. Now, here is a man who may be an honest man, who may have given his whole life to the service of the Government, and his name has been brought into this. Now, wouldn't it be proper for him to make an answer before this committee? How do we know that this witness is more reliable than the other?

Chairman NYE. Is the one to whom this refers present?

Mr. PICKETT. No, he is not.

Senator NORBECK. That has reference to a Government inspector who inspected these two desert claims, Kent made certain statements which Dr. Huff disproved in part. A part of the statements of the witness Kent was that the Government inspector had given a certain interpretation to a letter that laid down certain harsh rules, and the inference is that he had been fixed or he wouldn't have done it. That inspector's name was dragged into the record, so why wouldn't it be proper for the inspector to be given an opportunity to reply to that by letter or affidavit, and make it a part of the record?

Chairman NYE. We were told that this inspector has long since been retired from the Government service.

Senator NORBECK. But if he is living he has that right.

Chairman NYE. I quite agree with the Senator, and I think the committee should undertake to locate the inspector in question and invite that statement from him.

Senator CAREY. I want to withdraw my request. I find that the paper that I have is not what I thought it was.

TESTIMONY OF B. D. SHEFFIELD

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your name?

Mr. SHEFFIELD. B. D. Sheffield.

Mr. PICKETT. Where do you live, Mr. Sheffield?

Mr. SHEFFIELD. Moran, Wyo.

Mr. PICKETT. How long have you lived at Moran?

Mr. SHEFFIELD. A little over 30 years.

Mr. PICKETT. How long have you lived in this country?

Mr. SHEFFIELD. Just about that length of time.

Mr. PICKETT. When did you first come to the Jackson Hole country?

Mr. SHEFFIELD. I come into the upper end of the valley in 1882.

Mr. PICKETT. What was your business?

Mr. SHEFFIELD. I didn't have any particular business then. I was just hunting.

Mr. PICKETT. A guide?

Mr. SHEFFIELD. Well, 10 years later I started in guiding in this country.

Mr. PICKETT. What business or occupation have you been engaged in Mr. Sheffield, in recent years?

Mr. SHEFFIELD. Well, I started in to guiding in 1893 into this country, and in 1903 I bought a place at Moran.

Mr. PICKETT. And you operated the lodge at Moran?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. For how many years?

Mr. SHEFFIELD. Since 1893.

Mr. PICKETT. And you have since sold it to the Snake River Land Co.?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. By whom is it operated now, do you know?

Mr. SHEFFIELD. By the—I don't know who is operating it. It is the Teton Investment Co.

Mr. PICKETT. When did they begin to operate it?

Mr. SHEFFIELD. In the fall of 1929.

Mr. PICKETT. Is that when you sold it?

Mr. SHEFFIELD. I sold it—I really contracted to sell it in the fall of 1927, but the deal wasn't closed until the spring of 1929.

Mr. PICKETT. And did you continue to operate it?

Mr. SHEFFIELD. I leased it. I had a lease on it, and I checked in about the end of November, I think it was.

Mr. PICKETT. What was your understanding as to the operation of it at the time the sale was closed?

Mr. SHEFFIELD. I was to run it in the same way I had been running it.

Mr. PICKETT. For any particular length of time?

Mr. SHEFFIELD. I had it leased for a year.

Mr. PICKETT. And at the end of the year, you gave up the possession?

Mr. SHEFFIELD. Yes. My lease was to run on into the following year, about the 1st of July 1930, but on account of the remodeling to the place they made me check in at the end of November.

Mr. PICKETT. You mean you gave up the place before your lease expired?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What was the reason for that?

Mr. SHEFFIELD. My lease was expiring in the spring, and they asked me if I wanted to go on, and I told them that I didn't.

Mr. PICKETT. That was in the winter months?

Mr. SHEFFIELD. That was in the fall of 1929.

Mr. PICKETT. How many people could you accommodate at that time?

Mr. SHEFFIELD. About a hundred and twenty.

Mr. PICKETT. Was that sufficient to take care of the needs of the public through there at that time?

Mr. SHEFFIELD. No.

Mr. PICKETT. Had it been a profitable business to you?

Mr. SHEFFIELD. Very.

Mr. PICKETT. What was your sale price to the Snake River Land Co.?

Mr. SHEFFIELD. A hundred thousand.

Mr. PICKETT. Was that a fair valuation?

Mr. SHEFFIELD. Well, it cost me a hundred and thirty-four thousand.

Mr. PICKETT. But some of it was rather old?

Mr. SHEFFIELD. No; not necessarily. They didn't rebuild anything that I had there.

Mr. PICKETT. You were satisfied with the \$100,000 price?

Mr. SHEFFIELD. That is what I asked for it.

Mr. PICKETT. You got what you asked?

Mr. SHEFFIELD. Absolutely.

Mr. PICKETT. Were there any unfair methods practiced in the transaction?

Mr. SHEFFIELD. No.

Mr. PICKETT. You were satisfied then, and you are now?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Where do you live, Mr. Sheffield, now?

Mr. SHEFFIELD. Seven eighths of a mile this side of Moran, overlooking Jackson Lake.

Mr. PICKETT. Have you built a home there?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What did that home cost you?

Mr. SHEFFIELD. A little over six thousand.

Mr. PICKETT. What is it built on?

Mr. SHEFFIELD. It is built on the forest lease.

Mr. PICKETT. Do you know what kind of a lease you have there?

Mr. SHEFFIELD. Yes, sir.

Mr. PICKETT. What is it?

Mr. SHEFFIELD. A yearly lease.

Mr. PICKETT. You mean you built a \$6,000 house on a year to year permit?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Were you given any assurance that you could stay there?

Mr. SHEFFIELD. As I understand those leases, they are indefinite as long as you do not violate any of the forest rules. In case that it

would be condemned, they would pay me on a sliding scale, like any real estate.

Senator ADAMS. Isn't that rather an indefinite lease, rather than a yearly lease, with a yearly payment?

Mr. PICKETT. That is a special permit.

Senator ADAMS. That is a special use permit, but wouldn't it be rather indefinite?

Mr. SHEFFIELD. No; I was given to understand that I would get a 15-year lease, but there was something holding it up. There were others up there that had the 15-year lease.

Senator ADAMS. Do you renew that lease each year?

Mr. SHEFFIELD. Each year. As I understand it, the only way I could lose it would be to violate some of the forest rules or not pay my \$25 a year lease.

Senator CAREY. What would be the status of your lease if that went into a park?

Mr. SHEFFIELD. I don't know what the rule is now, but I know there was a book published by the forest—I forget what the name of the book is—but in case that they wanted to discontinue it for different reasons, then you would be paid for your improvements.

Senator CAREY. You have a year's lease?

Mr. SHEFFIELD. Yes.

Senator CAREY. If your lease expired the Government could cancel that lease any time at the end of the year?

Mr. SHEFFIELD. Yes.

Senator CAREY. And they wouldn't have to pay you for the improvements?

Mr. SHEFFIELD. I understand that they wouldn't cancel it unless there was some excuse for it.

Senator CAREY. But your lease is with the Forest Service and not with the park?

Mr. SHEFFIELD. Oh, no.

Senator CAREY. I mean that if your land was put into a park you wouldn't have any protection of your lease under your present lease?

Mr. SHEFFIELD. I don't know about that, of course. I think, if they did put it in the park, they would have to condemn it because it was agreed by the Forest Department, if they hadn't violated any of the rules of the forest, that they couldn't be——

Mr. PICKETT. Who told you that, Mr. Sheffield?

Mr. SHEFFIELD. That is just common horse sense, that's all. Nobody ever told me about it, but that has been my general opinion.

Mr. PICKETT. Did anyone ever tell you that if it did go into a park that they would see that you were allowed to remain there?

Mr. SHEFFIELD. No.

Mr. PICKETT. Mr. Sheffield, you lived up above the Snake River there during all of the agitations for the extension of Yellowstone Park?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Did you participate in those?

Mr. SHEFFIELD. In the earliest ones, I did.

Mr. PICKETT. When was that?

Mr. SHEFFIELD. I think it was—I will have to ask the Senator there about that. Do you remember when the Saturday Evening

Post come out with the first proposed park extension? It was the winter of 1918, I guess.

Senator CAREY. That is about when it was started, from what I remember about it.

Mr. SHEFFIELD. I know it was that fall, along in September, that a bunch came down there, Mr. Albright and Childs and those fellows.

Mr. PICKETT. What year was that, Mr. Sheffield?

Mr. SHEFFIELD. That was the fall of——

Mr. PICKETT. Of 1921?

Mr. SHEFFIELD. No; that was the fall of 1918.

Mr. PICKETT. Who came down there?

Mr. SHEFFIELD. There was Mr. Albright and Mr. Henry Childs and the architect that they had that drew the plans of Old Faithful, and Jack Haynes, the photographer, and Emerson Hough—I don't remember just all who were there.

Mr. PICKETT. Who was Henry Childs?

Mr. SHEFFIELD. He was the son of Harry Childs, the president of the Hotel & Transportation Co.

Mr. PICKETT. And that is the company that has the hotel and transportation concessions in the Yellowstone?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. And did you have a conference with them at that time?

Mr. SHEFFIELD. I was with them mostly all the time, yes.

Mr. PICKETT. What was said at that time in those conferences relative to the extension of Yellowstone Park?

Mr. SHEFFIELD. The first time I knew anything about it, Emerson Hough told me they were going to extend the greater Yellowstone, or extend it down and take in Jackson Lake, and asked me what I thought about it, and I told him it was all right with me as long as they didn't put in the land that I had overlooking the lake, but as far as putting in the ground that I owned north of the river, where Moran proper was, it was all right with me.

Mr. PICKETT. Who was Emerson Hough?

Mr. SHEFFIELD. He is the writer. He is a well-known writer.

Mr. PICKETT. What else was said about your rights?

Mr. SHEFFIELD. I was in favor of it because I would sell out to the Yellowstone Hotel & Transportation Co.

Mr. PICKETT. You mean that they offered to buy you out?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What was said about that?

Mr. SHEFFIELD. I wasn't sure of it, so I told them that I wouldn't buck it if they would cut out the place—if they would leave my place overlooking the lake, and leave that out, because if they put that in the park, I couldn't handle any hunting parties.

Mr. PICKETT. Was anything said in that conference about the purpose of that extension?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What was that?

Mr. SHEFFIELD. In order to get this deal through, they was going to see the Department—that the Yellowstone Transportation & Hotel Co. were paying more in current rental than any other company in any other national park in the United States, and the purpose of it, or what led them to try to get a greater Yellowstone was to get a

greater haul, because the Glacier Park was cutting in and the Great Northern was cutting in on their business.

Mr. PICKETT. Was there any discussion as to where the greater hauls would be?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Describe that, if you recall.

Mr. SHEFFIELD. They would come down and go along the Snake River until they struck Pacific and go up Pacific and go over on to the head of the Yellowstone and then down the Yellowstone back.

Mr. PICKETT. On which side of Jackson Lake would it come on?

Mr. SHEFFIELD. They talked of putting a road on the west side.

Mr. PICKETT. Around the Teton Mountains?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Was anything said about you continuing to operate in there?

Mr. SHEFFIELD. No.

Mr. PICKETT. Did they make a price on your property?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What was that price?

Mr. SHEFFIELD. Fifty thousand.

Mr. PICKETT. Did you at that time favor the extension of the park to include the area that you mentioned?

Mr. SHEFFIELD. I did, providing they would leave this piece of land that I spoke of overlooking the lake out of it.

Mr. PICKETT. And take over your lodge?

Mr. SHEFFIELD. Yes; the first map that was ever got out of that included that, and then the following year they got out another bill and left that out.

Mr. PICKETT. Did you see any plan that this architect had?

Mr. SHEFFIELD. No; I never did. We went up on the glacier and we went in and put a whole day in over there, and they were going to put in a winding road clear up the glacier, and the hotel would have been on this point of land projecting into the lake there on Moran Bay.

Mr. PICKETT. Where is Moran Bay with reference to your place?

Mr. SHEFFIELD. It is right straight west, under Mount Moran.

Mr. PICKETT. On the west side of the lake?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Do you know this architect's name?

Mr. SHEFFIELD. No; I do not.

Mr. PICKETT. You were well acquainted with Mr. Childs?

Mr. SHEFFIELD. Very well.

Mr. PICKETT. Was a bill introduced in Congress after that to include the area that you mentioned?

Mr. SHEFFIELD. That winter, the winter of 1919 I think it was, or that spring.

Chairman NYE. That was the bill introduced by Congressman Mondell?

Mr. SHEFFIELD. Yes. That wasn't opposed. There wasn't very much interest taken in it in Jackson Hole at that time.

Mr. PICKETT. Mr. Sheffield, are you acquainted with the elk conditions in this valley?

Mr. SHEFFIELD. I used to be.

Mr. PICKETT. Are you now?

Mr. SHEFFIELD. I am to a certain extent, naturally, from my past experience.

Mr. PICKETT. Do you know about how many elk winter in this valley?

Mr. SHEFFIELD. No.

Mr. PICKETT. Are you acquainted with the elk conditions of the elk in Yellowstone Park?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Do you know whether or not that elk herd comes into this valley?

Mr. SHEFFIELD. Very few. For 10 years I operated from Livingston into the upper end of the valley with hunting parties, and we generally wound up our last trip around the 1st of November, and figures on getting back into the park on the 20th of November. At that time, I know, there was a very poor road running from the Thumb down into the upper end of the valley, and I never did once see where there was any amount of elk that went north after you get, well, down about 5 miles north of Lewis Lake. I have seen trains 4 feet wide coming south. But one year I struck a big trail just before we got to the Fountain, that come in from Heart Lake, but I know personally that there is a very small majority of the elk that winters down in this country that goes north.

Mr. PICKETT. Where are they wintered, do you know?

Mr. SHEFFIELD. They winter here—you mean the elk north of here?

Mr. PICKETT. No; the elk in the valley?

Mr. SHEFFIELD. They don't winter there.

Mr. PICKETT. Well, where do they winter?

Mr. SHEFFIELD. They go north. They go up—there is a valley that they used to winter around in—I can't think of the name of it—oh, yes; the Hayden Valley. I made snowshoe trips up in there and photographed them in there before ever I came into the Jackson Hole permanently.

Mr. PICKETT. Now, are you approximately acquainted with the boundaries of this present project of the Snake River Land Co.?

Mr. SHEFFIELD. Yes; in a way.

Mr. PICKETT. Have you any opinion in regard to the help that would be to our present elk condition in this valley as a refuge?

Mr. SHEFFIELD. If it is run on the same system that it is up in the park, I don't think it helps any. Of course, I don't know what has been done up north in the last 15 years, but I know that there was nothing done to feed the elk up to the time that I quit that country up there.

Mr. PICKETT. Have you any ideas now as to how this project could be run to help the elk?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. What are those?

Mr. SHEFFIELD. My idea would be to take the Elk Ranch and the Hatchet Ranch and all of that country up there where there is hay land and start feeding early. The majority of the elk don't drop down in here until the big storm hits them along about the—they first start dropping down in October, and about the 20th of November there is a big storm up there that drives them out, and then they come out of there. If they had hay up there, or something to hold

them, each year you would get more elk to stay up there, and eventually, unless there is some unusually big storm, your elk wouldn't come down here. That is my opinion about it.

MR. PICKETT. Would the elk stay up in that part of the valley now?

MR. SHEFFIELD. They would stay wherever they get hay. I know from my own experience. One year we put in oats, and it was that big white oat, and they didn't mature, and they grew so rank that we couldn't stack it, so we just bunched it into big bunches like you was bucking straw from the stack, and then we used axes to take that out in feeding it to the cattle, and the elk gave us a lot of trouble. There was two or three hundred elk in on that stuff every night. That was along about Christmas, I think, before we got rid of that hay and the elk moved out.

MR. PICKETT. I don't believe I have any further questions.

SENATOR CAREY. At the time that Mr. Childs and Mr. Albright and others came down to discuss park extension with you, was the reason given for the extension solely to take care of the needs of the transportation company?

MR. SHEFFIELD. That was the only talk there was.

SENATOR CAREY. Did you discuss the matter with Mr. Albright at all?

SENATOR CAREY. He was right there, and he was in favor of it, and so was I. Everything was neutral there.

SENATOR CAREY. Did he state that it was necessary for the elk that this region should be added?

MR. SHEFFIELD. That wasn't mentioned then.

SENATOR CAREY. But simply that he wanted to help the transportation company?

MR. SHEFFIELD. I don't know whether he was pushing the matter, but, I suppose, naturally, being Superintendent, he had something to do with it, but he was certainly in favor of it.

SENATOR CAREY. Do you remember afterward, when this agitation was carried on in 1919, that this need for this park extension was based on the need of taking care of the elk?

MR. SHEFFIELD. Yes.

SENATOR CAREY. Do you remember that that argument was put forward generally, and there was nothing said about the transportation in this valley?

MR. SHEFFIELD. No, the first bill was knocked out on account of the Idaho Senator butting in because of cutting in on their sheep range. That is what Mr. Mondell wrote me, and he said that it was tabled on that account. And then the next bill that came up, I think it was a year or so later, there was nothing mentioned about the transportation.

SENATOR CAREY. Now, you feel that there are a very few of the elk come down into this valley from Yellowstone Park to winter?

MR. SHEFFIELD. I know there aren't.

SENATOR CAREY. So the elk that come down here really summer in the Yellowstone Park?

MR. SHEFFIELD. There is a very few of them goes up there—there might be a few that goes up on the head of Yellowstone, that go up in there, but the most of the elk around in the park—there might be a few on the edge of the park—but most of them are down around Colter Creek and up in there.

Senator CAREY. You have been in this country 30 years, and your business originally was to take up hunting parties?

Mr. SHEFFIELD. Yes.

Senator CAREY. And you had a very good knowledge of the game in the country 30 years ago?

Mr. SHEFFIELD. Yes.

Senator CAREY. During the time that you were taking these parties up there?

Mr. SHEFFIELD. Yes.

Senator CAREY. Were there many moose in this country 30 years ago?

Mr. SHEFFIELD. No; I was in here 2 or 3 years before I saw any moose. I have seen them in the valley.

Senator CAREY. But there were practically no moose in this country?

Mr. SHEFFIELD. No. In 1881 and '82, in the valley, I saw them.

Senator CAREY. Were there many moose in the park in those days?

Mr. SHEFFIELD. I didn't see many. I saw 2 or 3 up in there.

Senator CAREY. You would say that the moose have greatly increased in this country, wouldn't you?

Mr. SHEFFIELD. Oh, yes.

Senator CAREY. How many moose would you think there are in the country now?

Mr. SHEFFIELD. Oh, I haven't any idea. Since 1910 I have had nothing to do with that.

Senator CAREY. You know there are a great many moose now?

Mr. SHEFFIELD. I would say from 15 to 20 times, the increase over what it was when I first came in here.

Senator CAREY. You spoke of making use of the Ferrin ranch and the Hatchet ranch for feeding elk. Now, the Snake River Land Co. have bought numerous ranches on the west side of the river. Were a number of the ranches that they bought that produced hay other than those two ranches?

Mr. SHEFFIELD. Not on the west side.

Senator CAREY. On the east side?

Mr. SHEFFIELD. On the east side; yes.

Senator CAREY. Weren't there several ranches where the fences were torn down that were producing hay when they ceased to irrigate, that could have been producing hay for the elk?

Mr. SHEFFIELD. Yes.

Senator CAREY. How many ranches of that kind would you say were in there?

Mr. SHEFFIELD. There is the Cunningham Ranch—there are two places over there, and then all of the JF land—in fact, all of the Buffalo bench, that is all there is.

Senator CAREY. It would be fair to say there is a rather large area in there?

Mr. SHEFFIELD. There is the Uhl place and I heard Mr. Ferrin talking about that and saying that they had cut 400 tons of hay—but I didn't think they ever cut that much.

Senator CAREY. Most of these ranches, they have burned these buildings and cut down the fences and permitted the ranches to go back into a wild state?

Mr. SHEFFIELD. I don't know. I haven't been down around there much.

Senator CAREY. As a matter of elk protection, or winter feeding for elk, wouldn't it have been much better for the elk, to have permitted these ranches to have gone on producing hay?

Mr. SHEFFIELD. Oh, no question about that; that is, as long as they were keeping the elk.

Senator CAREY. That is, if they wanted to make this an elk-conservation proposition?

Mr. SHEFFIELD. Yes; you have to hold the elk there, if you are going to take care of them—the elk is like any other dumb animal—wherever they can find feed they get in the habit of going there.

Senator CAREY. And the only place that is possible to provide the feed for the elk through these purchases would be the Elk Ranch—

Mr. SHEFFIELD. Oh, I think the Hatchet Ranch is more adapted to holding the elk than any other one up here.

Senator CAREY. That has not been purchased yet.

Mr. SHEFFIELD. No; but that is the main runway for the elk. The elk drift in there, on to Buffalo Fork there. Right there at the mouth of Jackson Lake, before the dam was put in, you would see thousands and thousands of elk that went through there, and then they drift over along the bend of the river right beside the Cunningham place.

Senator CAREY. That is all.

Senator NORBECK. The elk in their drift, what is to keep them from helping themselves to these haystacks that are there? Don't they do a lot of damage to the hay?

Mr. SHEFFIELD. They do, indeed. That is what they feed on, and they are not satisfied until they get it all.

Senator NORBECK. That is what I mean. The ranchers in the way of the drift suffer a great deal from the drift?

Mr. SHEFFIELD. Yes, sir; every fall.

Senator NORBECK. Every fall they suffer a good deal from it?

Mr. SHEFFIELD. Yes; they come right in.

Senator NORBECK. Even if you fenced with a 19-wire fence, could you keep them out then?

Mr. SHEFFIELD. Not with a wire fence. If you make a crib around it, what we call cribs, you could do it. That is a detriment to the elk, but the elk would stay there trying to get in.

Senator NORBECK. How do you feel that they should pay for this hay for the elk?

Mr. SHEFFIELD. I never had any trouble with anything of that kind.

Senator NORBECK. You say that the elk should be fed, but the elk can't pay for it. Who do you think should pay?

Mr. SHEFFIELD. I suppose the State.

Senator NORBECK. You heard the testimony of the State senator here who said that the State was unable to—

Senator CAREY. The State senator didn't say that, but he said that if the State didn't put up more money that the Federal Government would have to take care of the elk.

Senator NORBECK. I am asking him where to get the money. Where do you feel the money would come from to get the hay for the elk?

Mr. SHEFFIELD. We didn't have any trouble getting it the first time in 1909.

Senator NORBECK. From the State?

Mr. SHEFFIELD. Yes.

Senator NORBECK. How much money was appropriated for that purpose?

Mr. SHEFFIELD. There was first appropriated \$5,000, and then I don't know how much more there was, but there was supposed to be around 20,000 elk down here.

Senator NORBECK. There was some testimony here, and the only testimony that we have had on that subject, indicating that it takes three quarters of a ton of hay for each elk, and that would be 15,000 tons. What is the fair value of hay here, per ton?

Mr. SHEFFIELD. I used to buy hay for \$6.

Senator NORBECK. What is the average? What is the average price now?

Mr. SHEFFIELD. About \$8, I guess.

Senator NORBECK. There was one other thing that the counsel asked you, as to what was the fair value of your property, and you didn't answer. You said what it cost, didn't you?

Mr. SHEFFIELD. Yes.

Senator NORBECK. But the buildings were old, weren't they?

Mr. SHEFFIELD. No.

Senator NORBECK. Some of them?

Mr. SHEFFIELD. A few, not many.

Senator NORBECK. Some of them were old?

Mr. SHEFFIELD. Yes.

Senator NORBECK. And they are located at Moran?

Mr. SHEFFIELD. Yes.

Senator NORBECK. And that big earth dam, shutting out your place from the lake, has been built there since you located there?

Mr. SHEFFIELD. Yes, sir.

Senator NORBECK. In other words, you were located on the lake bank then, and now you are located on a mud bank, isn't that true?

Mr. SHEFFIELD. Not necessarily.

Senator NORBECK. Well, that is the way it looked to me when I drove by there the other day. That is all.

Mr. PICKETT. How much land did you own there, Mr. Sheffield?

Mr. SHEFFIELD. I owned three ranches.

Mr. PICKETT. How many acres?

Mr. SHEFFIELD. Of course, the river cut it up some, but there was around 400 acres.

Mr. PICKETT. Was that included in this \$100,000?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Were those ranches developed?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. Well developed?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. There were other improvements on them besides Moran?

Mr. SHEFFIELD. Oh, yes, I had barns and cattle sheds and things.

Mr. PICKETT. Were you running a cattle outfit at the time you sold?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. How many head of cattle were you running?

Mr. SHEFFIELD. The most I had was around 200 head.

Mr. PICKETT. Are there any running in there now?

Mr. SHEFFIELD. There is a few.

Mr. PICKETT. Who owns those?

Mr. SHEFFIELD. Mr. Whiteman.

Mr. PICKETT. He was on his own place, was he not?

Mr. SHEFFIELD. Yes, sir.

Mr. PICKETT. Are there any cattle running on your old ranch?

Mr. SHEFFIELD. No.

Mr. PICKETT. And you were satisfied with the price that you got?

Mr. SHEFFIELD. Yes.

Mr. PICKETT. That is all.

Senator CAREY. Would you say that there was any increase in the elk between 1912 up to last year?

Mr. SHEFFIELD. No.

Senator CAREY. The figures of the count which has been made of the elk shows that in 1912 there was 13,528, and in 1932 there was 19,855.

Mr. SHEFFIELD. The only thing I am going by, you take 25 years ago you would find elk every place, and now you will only find them in different places—you will find them in the smaller areas in the country.

Senator CAREY. You mean they are more restricted?

Mr. SHEFFIELD. They are not there—at least, that has been my experience. Since 1910 I don't know very much about that, but up to that time I should have been as well posted as a man could be because I was out there all the time.

Senator CAREY. There was evidently a great increase, because the 1912 figures are so much lower than the 1932 figures. 1910 is the last that you were out?

Mr. SHEFFIELD. Yes, in 1910.

Senator CAREY. That is all.

Chairman NYE. Is there anything further from Mr. Sheffield? If not, you may be excused, Mr. Sheffield, and thank you.

(Whereupon, the witness was excused.)

TESTIMONY OF A. W. GABBEY

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your name, please?

Mr. GABBEY. A. W. Gabbey.

Mr. PICKETT. Where do you live, Mr. Gabbey?

Mr. GABBEY. At Jenny Lake, Wyo.

Mr. PICKETT. How long have you resided there?

Mr. GABBEY. Since 1925 or '26, in the spring of '26.

Mr. PICKETT. Did you homestead there?

Mr. GABBEY. About 4 miles above, yes.

Mr. PICKETT. What occupation are you in at this time?

Mr. GABBEY. I have a little store up there, and my wife is postmaster at Jenny Lake.

Mr. PICKETT. And that store and post office is located on the west side of the highway between here and Moran, and is called the "Square G"?

Mr. GABBEY. The Square G shop, yes.

Mr. PICKETT. And that is about 12 miles this side of Moran?

Mr. GABBEY. Twelve miles.

Mr. PICKETT. How long have you operated that store?

Mr. GABBEY. We started it in the summer of 1926 in a small way.

Mr. PICKETT. And you make your entire living from that store, or do you do any other work?

Mr. GABBEY. Partly. We have some cabins on the homestead which we rent up there to tourists.

Mr. PICKETT. Now, when did you make your original entry on this homestead?

Mr. GABBEY. In January, I think it was, 1926.

Mr. PICKETT. On how many acres?

Mr. GABBEY. A hundred and twenty-six acres and a fraction.

Mr. PICKETT. Did you later make further application in connection with this entry?

Mr. GABBEY. Yes, in August of the same year I made an additional filing of 236 acres.

Mr. PICKETT. What kind of a filing was that?

Mr. GABBEY. A homestead application. The original was a general homestead, and then I petitioned to have it all designated "stock-raising" when I made the second filing.

Mr. PICKETT. The second application was made how long after your first entry?

Mr. GABBEY. Well, between February and August of the same year.

Mr. PICKETT. Where did you make that application?

Mr. GABBEY. At the General Land Office in Evanston, Wyo.

Mr. PICKETT. When did you next hear from this application?

Mr. GABBEY. It was about 18 months, I think it was, after.

Mr. PICKETT. What did you receive at that time?

Mr. GABBEY. I received an adverse report on the designation of the land for stock raising.

Mr. PICKETT. From whom?

Mr. GABBEY. From the Evanston land office.

Mr. PICKETT. Was a report enclosed with that letter from the land office?

Mr. GABBEY. Yes, there was a copy of it.

Mr. PICKETT. Have you that with you?

Mr. GABBEY. I think I have [hands papers to counsel].

Whereupon, exhibits 47 and 47-A were marked for identification.

EXHIBIT No. 47

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, February 16, 1929.

Mr. ALBERT W. GABBEY,
Jenny Lake, Wyo.

MY DEAR MR. GABBEY: In reply to your letter of December 3, 1928, relative to your stock-raising homestead application involving certain land in Wyoming:

Such action as is required on this case in the Geological Survey is completed by report of even date to the Commissioner, General Land Office. A copy of this report will be sent to you by your local land office.

Yours very truly,

(Signed) GEO. OTIS SMITH,
Director.

EXHIBIT No. 47-A

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, February 16, 1929.

The COMMISSIONER,
General Land Office.

With reference to the application of Albert W. Gabbey for designation under the Stock-raising Homestead Act of the following land in Wyoming, 6th P.M.:
Evanston 014755:

T. 44 N., R. 115 W., sec. 7, SW $\frac{1}{4}$ of NW $\frac{1}{4}$.

T. 44 N., R. 116 W., sec. 12, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$.

Evanston 015468:

T. 44 N., R. 115 W., sec. 7, W $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
NE $\frac{1}{4}$ of SW $\frac{1}{4}$.

Information now available following field examination by a representative of the Geological Survey indicates that the lands are very rocky and unsuited for crop production. They are covered principally with a dense stand of immature lodgepole and have only a scanty growth of palatable forage species. The number of livestock that can be grazed on this land is accordingly very low. Furthermore, these lands are included in a withdrawal created by Executive order of July 7, 1927, in aid of pending legislation for the inclusion of the land in a national park.

Under the foregoing circumstances the land is not unreserved and chiefly valuable for stockraising and is not properly subject to designation under the Stock-raising Homestead Act.

(Signed) GEO. OTIS SMITH,
Director.

MR. PICKETT. Referring to exhibits 47 and 47-A, Mr. Gabbey, are they the letters which you referred to as being the first notice from the land office relative to your application for additional entry?

MR. GABBEY. Yes, sir.

MR. PICKETT. I would like to offer these into the record.

Chairman NYE. They will be received.

MR. PICKETT. I think, to follow the story, we had better see what they are.

Thereupon, the exhibits 47 and 47-A were read to the committee by Mr. Pickett.

MR. PICKETT. Now, following the receipt of that correspondence, Mr. Gabbey, what did you do?

MR. GABBEY. I made application to appeal it, the decision.

MR. PICKETT. And did you appeal it?

MR. GABBEY. Yes.

MR. PICKETT. And employed an attorney?

MR. GABBEY. Yes.

MR. PICKETT. To whom was your appeal made, do you recall?

MR. GABBEY. Made to the Secretary of the Interior.

MR. PICKETT. Do you recall when it was that the investigation was made by the man from the Geological Survey?

MR. GABBEY. Yes, sir.

MR. PICKETT. When was that?

MR. GABBEY. That was in September 1928, about 13 months after I had made my filing.

Senator CAREY. How long before the withdrawal?

MR. GABBEY. About 8 months.

MR. PICKETT. I will question him on this; you had better let me clear that up, Senator.

This letter states that this land was included within the withdrawal of July 7, 1927—do you know whether or not that land was included in that withdrawal?

Mr. GABBEY. It was not, it is not covered by that withdrawal at all.

Mr. PICKETT. Do you know whether or not it was later included within a withdrawal?

Mr. GABBEY. Yes.

Mr. PICKETT. Do you recall the date of that withdrawal?

Mr. GABBEY. I think it was April 15, 1928.

Mr. PICKETT. How long before had you made your application?

Mr. GABBEY. About 8 months prior to the withdrawal.

Mr. PICKETT. Did you perfect your appeal within the time required by law?

Mr. GABBEY. I did.

Mr. PICKETT. Do you know the outcome of that appeal?

Mr. GABBEY. Yes, the decision was against me.

Mr. PICKETT. What was the basis of your appeal, do you recall?

Mr. GABBEY. Why, I sent in a number of affidavits that the land was stock-raising land, and made an effort to disprove the report, but they would not consider them and brushed them aside without any comment, much whatever.

Mr. PICKETT. Have you any of those affidavits or copies of them with you?

Mr. GABBEY. I have, yes.

Mr. PICKETT. Where are the original affidavits?

Mr. GABBEY. They are evidently on file in the General Land Office at Evanston; they were all sent in along with my papers in the case.

Mr. PICKETT. Do you recall how many affidavits were attached in support of your appeal?

Mr. GABBEY. Probably between 15 and 20.

Mr. PICKETT. Are you familiar with any other designations in that area?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. Which were handled under similar circumstances?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. Who do you have in mind?

Mr. GABBEY. Harrison A Crandall, for one. He had the land adjoining me on the west, and part of it on the south, and there was another tract of land filed on up there by J. G. Scott, which, I think, joins Crandall's land on the south. Those lands were both designated stock-raising lands.

Mr. PICKETT. Describe those lands, as compared to yours?

Mr. GABBEY. Well, they are practically all identical, some timber on them, and part of them rough—grazing and grass.

Mr. PICKETT. Does stock run on this land?

Mr. GABBEY. On all of it; yes. Pardon me, Crandall filed a general homestead up there first, and then he made an additional filing, and then he petitioned to have it all designated stock raising, just identical to what I did, and the Crandall land was designated stock raising and patent issued to it on part of it, without any question whatever.

Mr. PICKETT. When was that designation to Crandall made?

Mr. GABBEY. It was prior to mine, I do not know just what time; I do not know what year; he was up there awhile before I filed.

Mr. PICKETT. Was it prior to 1927?

Mr. GABBEY. Yes.

Mr. PICKETT. And was allowed prior to 1927?

Mr. GABBEY. I think so.

Mr. PICKETT. And Crandall's buildings were on his original entry?

Mr. GABBEY. I think they were.

Mr. PICKETT. Did he move those buildings and move on to his additional entry, do you know?

Mr. GABBEY. No; he did not.

Mr. PICKETT. Have you a copy of those affidavits with you?

Mr. GABBEY. I have.

Mr. PICKETT. Will you show me one of them, please? [Witness hands paper to counsel.]

(Thereupon, exhibit no. 48 was marked for identification.)

Mr. PICKETT. Referring to exhibit 48, Mr. Gabbey, is that a copy of one of the affidavits you filed in your appeal?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. You obtained these affidavits yourself?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. You know that is a copy?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. I would like to introduce this into the record.

Chairman NYE. It may be received.

Senator NORBECK. I have no objection, but what is the point? Is he bound to prove that the evidence is not correct upon which the Secretary of the Interior bases his findings? If so, you had better get the record on the other side, and we, the committee, will decide.

Mr. PICKETT. I think the purpose is evident; is there any objection?

Senator NORBECK. I have no objection at all to putting it in, but do not know what we are trying to get at.

Mr. PICKETT. I cannot get it all in at once.

Senator NORBECK. Won't you be frank with the Committee? There are five members of the committee, and you have only consulted one.

Mr. PICKETT. At least, I have had the courtesy of four.

Senator NORBECK. They tell me you have not even asked them for witnesses to be subpoenaed.

Mr. PICKETT. You have said that, and I ask you to produce the other members who told you that.

Senator NORBECK. I am not going to do anything of the kind; I am not going to get into a personal row here, but I tell you frankly that you were employed to assist the committee. We are conducting the hearing, and not you, and we are trying to decide this matter. Are you trying to prove that the Secretary of the Interior decided a case improperly; is that it? If so, let us go into it thoroughly.

Mr. PICKETT. Does the chairman wish me to continue?

Chairman NYE. The affidavit is not objected to for the record.

(Whereupon, exhibit no. 48 was read by Mr. Pickett to the committee, in words and figures as follows:)

EXHIBIT No. 48

STATE OF WYOMING,

County of Teton, ss:

Comes now Harrison R. Crandall, of Jenny Lake, Wyo., who is personally known to me, and being first duly sworn, deposes and says:

I have lived in and near the vicinity of Jenny Lake, Wyo., for the past 7 years. I am personally acquainted with Albert W. Gabbey, have personal knowledge of, and am acquainted with all lands included in his homestead filing, Evanston 014755 and subsequent stock raising filing, Evanston 015468, the same being described as follows, to wit:

Northwest quarter, west half of the northeast quarter, and the northeast quarter of the southwest quarter, section 7, township 44, north of range 115, west of sixth principal meridian; east half of the northeast quarter and the southwest quarter of the northeast quarter of section 12, township 44, north of range 116, west of the sixth principal meridian, Teton County, Wyo.

That said lands as described and filed on by Albert W. Gabbey are strictly stock-grazing lands. That said lands have been so used for the past 7 years to my personal knowledge. That horses and cattle graze continually on said lands from early spring to late in the fall. That said lands adjoin similar lands leased by the Teton National Forest Department to stockmen for grazing purposes. That the lands on which Albert W. Gabbey filed, adjoin the land on which I filed stock-raising application and which was designated stock raising and on which a patent has been issued to me.

HARRISON R. CRANDALL.

Subscribed and sworn to before me this 17th day of June 1929.

[SEAL]

JULIANNE A. TANNER,
County Clerk.

My term expires January 5, 1931.

Mr. PICKETT. Now, are the other affidavits similar to that, Mr. Gabbey?

Mr. GABBEY. They are all similar, with the exception as to the number of stock that grazed over that land by the different people making the affidavits, and I have one here from the county surveyor, Mr. Williams, stating that the land is stock raising, that he is acquainted with it and has been for years, and surveyed the lands; they are similar in character.

Mr. PICKETT. Who are the names of the people?

Mr. GABBEY. Otho E. Williams, William Scott, a stock rancher; may I read a line or two from them?

Mr. PICKETT. You may explain it.

Mr. GABBEY (reading):

That said lands have been so used for the past 32 years to my personal knowledge. I am now grazing 29 head of horses and cattle over said lands.

There is one affidavit from Tony S. Grace—they lived near String Lake there, had the ranch up there known as the "Dandy Ranch":

That said lands have been so used for the past 6 years to my personal knowledge, and join similar lands leased to stockmen for grazing purposes, and similar to lands previously designated for stock-raising lands and used by me for stock grazing in the past year.

Here is another one from Tony S. Grace—I have taken these affidavits at different times covering different years:

That the lands above described are stock-grazing lands in character; that affiant has been grazing stock consisting of horses upon the above-described land to the number of about 25 during the year 1926.

Another from Tony Grace, where he has been running 25 head of horses during 1927 over this same land of mine.

Mr. PICKETT. How many more of those have you similar—those are filed with the Department?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. I think that is sufficient on that, Mr. Gabbey.

Mr. GABBEY. I had better give the names of them.

Mr. PICKETT. All right.

Mr. GABBEY. J. G. Scott, manager of the Elbo Ranch; another one from J. G. Scott; another one from J. G. Scott; one from Charles W. Huff, M.D.; one from Sam E. Smith; Carl M. Kent; James H. Manges; Frank R. Williams, manager of the Double Diamond Ranch; another one from Frank Williams; one from Peter Karppi, from the Half Moon Ranch; one from C. S. Ward, that lived up in that country for several years; one from Homer C. Richards; one from H. C. Erickson; and last year I leased the land to H. C. Lyons, who runs the saddle horses up in Teton Park, about 60 or 65 horses.

Senator NORBECK. Who is Mr. Erickson, a rancher up there?

Mr. GABBEY. He is deceased now.

Senator NORBECK. He is a lawyer in town here?

Mr. GABBEY. He was referred to here, yes.

Mr. PICKETT. Did you receive a decision in that first appeal?

Mr. GABBEY. Yes.

Mr. PICKETT. From whom was that decision?

Mr. GABBEY. It was from John H. Edwards, Assistant Secretary of the Interior.

Mr. PICKETT. Do you know the substance of the basis for that rejection?

Mr. GABBEY. Well, they, I think, overlooked a little, maybe; they allowed me to change our filing to an enlarged homestead.

Mr. PICKETT. Were you notified to that effect?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. Was that after the first rejection?

Mr. GABBEY. After the first rejection; I wrote—well, before this adverse report was made, I wrote to the land office at Evanston and asked him if I could make improvements on the property prior to designation, and he wrote back and said that I could and referred the law to me in regard to it, and told me if the land was not designated stock raising I could proceed under the enlarged-homestead act. Well, after the land was not designated—they refused to designate it—then I did change my application to an enlarged homestead and they turned me down on that.

Senator NORBECK. "They" told you that; who were "they"?

Mr. GABBEY. J. T. Booth, register of the United States land office at Evanston, Wyo.

Senator NORBECK. He was the only one that told you?

Mr. GABBEY. Yes, sir.

Senator NORBECK. And then you attempted to file a homestead?

Mr. GABBEY. I did.

Mr. PICKETT. You did as he directed you?

Mr. GABBEY. I did as he directed.

Mr. PICKETT. Was that done by letter?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. Have you that letter?

Mr. GABBEY. I think I have a copy of it.

Mr. PICKETT. Where is the original?

Mr. GABBEY. I presume I have it in my files somewhere; I could locate it and furnish it to you.

Mr. PICKETT. That was the substance of the letter?

Mr. GABBEY. Here is a copy of the letter I wrote to him, and here is his reply, and here is a pamphlet he sent to me.

Mr. PICKETT. The substance of that was that you were directed to change your entry?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. And you did it?

Mr. GABBEY. Yes, sir.

Mr. PICKETT. Where was that rejected?

Mr. GABBEY. That was rejected by John H. Edwards, Assistant Secretary of the Interior, also.

Mr. PICKETT. Do you recall when that was?

Mr. GABBEY. I think that was in 1929, I am not sure. I changed my application; they came back—John H. Edwards came back—with a lot of requirements that I would have to comply with in regard to it. One was to change my residence from where I had established it over on to my additional filing. That was one of the requirements or, in other words, that was one of the decisions he rendered against me, because I had not changed my residence over on to the additional filing.

Mr. PICKETT. Were they all contiguous?

Mr. GABBEY. The lands were all contiguous, yes; and one of the requirements in there was to show the cultivation on the various subdivisions of my additional filing. Well, up to that time I had made no cultivation up there on any of it, but I had several months' time yet in which to comply with that in case I wished to make cultivation up there. Yet, John H. Edwards rendered decision against me before the time had expired in which I could have made an attempt to cultivate up there.

Senator CAREY. John H. Edwards was Assistant Secretary of the Interior, and the parks were directly under him, do you know about that?

Mr. GABBEY. I think so; yes.

Senator NORBECK. The upshot of it was that you failed to get the land?

Mr. GABBEY. Yes; and I haven't got it yet.

Senator NORBECK. Is the case still open?

Mr. GABBEY. No; they closed the case against me.

Senator NORBECK. First, they ruled it did not come under the Timber and Stone Act.

Mr. GABBEY. No; the original was a general homestead.

Senator NORBECK. On what grounds did they rule against you there?

Mr. GABBEY. They did not rule on that. When I made the second filing I made application to have it changed to a stock-raising application.

Senator NORBECK. For what reason?

Mr. GABBEY. Because, for one reason, it was stock-raising land; the land I filed on there was not agricultural land.

Senator NORBECK. But the homestead entry would have held if you had held onto that, wouldn't it?

Mr. GABBEY. Yes; and I did hold onto it, and a patent was issued to me last year for 126 acres.

Senator CAREY. The stock raising would have given you 640?

Mr. GABBEY. No; about 363 acres.

Senator CAREY. You could have filed on it?

Mr. GABBEY. I did not want 640.

Senator CAREY. But you could have filed on it?

Mr. GABBEY. I did not file on it for speculation, but for my home and livelihood.

Senator NORBECK. The first filing they rejected was under what law—stock-raising homestead?

Mr. GABBEY. Stock-raising homestead; yes.

Senator NORBECK. And they said there wasn't enough grass on that to make it; that was their contention?

Mr. GABBEY. Yes.

Senator NORBECK. You were advised by the Land Office you could make another filing under an enlarged homestead?

Mr. GABBEY. Yes.

Senator NORBECK. Does the law require you to become a resident of the enlarged homestead?

Mr. GABBEY. I was a resident, it was all contiguous land.

Senator NORBECK. I mean, on the filing?

Mr. GABBEY. On the filing?

Senator NORBECK. Yes.

Mr. GABBEY. No; the law clearly states that if you establish residence on one part of the land it constitutes residence on all of that.

Senator NORBECK. What was the decision of the officials, that you had to be on the filing, instead of on the additional land?

Mr. GABBEY. No; he rendered decision against me that I had not established residence on the additional filing.

Senator NORBECK. And you contended that the law did not require that?

Mr. GABBEY. It clearly states so.

Senator NORBECK. Therefore, it is a question of the interpretation of the law, all of which is interesting, but I do not think, under the resolution, we should take the time to go into the decisions of the Secretary of the Interior. I think, if counsel and members of the committee feel that that is important, we should go back to Congress and investigate the Department of the Interior and have a few more trips. I do not object to this testimony, but I think it should be limited; I do not think we should go so far afield, that is all, but I am perfectly willing to put his case into the record.

Mr. PICKETT. Does the committee feel that I have gone too far?

Chairman NYE. Proceed; you may continue.

Mr. PICKETT. You may proceed, Mr. Gabbey.

Senator ADAMS. I am a little like Senator Norbeck; are we trying out the question of the decision under this application?

Senator NORBECK. I have asked counsel that, and he refuses to answer me.

Chairman NYE. The Chair is assuming that we were undertaking to establish that the Park Service, or the Snake River Land Co., or the Rockefeller interests have pulled the strings, so to speak, with the General Land Office to prevent filings within this territory. Is the Chair right in assuming that?

Senator NORBECK. Has the counsel any evidence to sustain that contention, or will it be developed by innuendo?

Mr. PICKETT. I cannot create the facts.

Senator NORBECK. No; if they do not exist you are helpless, so why not admit it?

Mr. PICKETT. If the committee feels that the letters in connection with this matter, as introduced yesterday, between these parties and the Department of the Interior are not sufficient to connect the two, or thinks that it may have no connection——

Senator ADAMS. My only question about it is whether it is necessary to go into these details, for instance, a bunch of affidavits, as if we were trying this particular case. If that is the wrong ruling, and you connect it up, then I think that is what we are here for.

Mr. PICKETT. I did not want to do that; I attempted simply to get a history of it as it went through. I did not want to introduce the decisions except the reasons given for different decisions.

Senator ADAMS. I am sure we want everything that is relevant.

Senator NORBECK. You intend to introduce one side of the case, and let our record be printed with that that way? This committee does not want to be put in that light, to develop something on one side of the matter.

Mr. PICKETT. I do not want the committee to be in the wrong light, but I cannot bring the Land Office out here, Senator.

Senator NORBECK. If you intended to bring this in, those records could have been obtained and read here today, and the rest of the evidence.

Mr. PICKETT. A copy of the decisions is here.

Senator NORBECK. But the evidence upon which we are supposed to pass is not here. If we investigate the Secretary of the Interior we should go into both sides of the case.

Mr. PICKETT. The evidence is all here that they had that they base their decision on.

Senator NORBECK. How do you know; did they say so?

Mr. PICKETT. I have examined the files in the General Land Office. It may be, Senator, that you think there was a hearing on this. There wasn't any hearing; the decision was based upon the affidavits which Mr. Gabbey has referred to.

Senator NORBECK. And such other information——

Mr. PICKETT. And reports.

Senator NORBECK. Yes.

Mr. PICKETT. I have the report, and intend to introduce it.

Senator NORBECK. I think, then, we are to determine whether the Secretary of the Interior has interpreted the law correctly. I am rather helpless in a matter of that kind; I am not learned in the law; I am a well digger by trade.

Senator ASHURST. I want to say that, in my judgment, you would have made a better lawyer than anyone at this table. It may be due to a fellow feeling between lawyers—that I am unable to see where counsel has done anything wrong. He has rather tediously, but in a lawyer-like fashion, done the best he could under the circumstances. This resolution calls for a peculiar investigation. I am unable to see where counsel, Mr. Pickett, has been unfair or has done other than lawyer-like work; we must expect zeal from lawyers.

Chairman NYE. Without wanting to draw any conclusions at this time the Chair wants to assert that before conclusions are drawn that we should go to the General Land Office and give them an opportunity to offer any explanation they may have to offer, in addi-

tion to what is brought or being brought into evidence now, and my knowledge with the situation is such that I feel free to say at this time that the entire matter is to be quite easily explained to the satisfaction of any fair mind by the General Land Office. However that may be, I see no reason why counsel should not proceed to develop this case as he is doing it, to the end that there may be satisfaction on every hand that every opportunity has been given, to those who feel they have not been fairly dealt with, to present their cases.

Senator NORBECK. I think the decision of the chairman is correct. I am not objecting to anything here, I am simply trying to find out what we are aiming at and where we are going to quit.

Senator CAREY. The contention in this matter—I happen to know something about it—is that similar lands were approved for stock-raising homesteads where this land was not.

Senator NORBECK. There is no such thing as perfect action in governmental affairs, or in private actions, and there may be unfortunate mistakes, and this may be one of them.

Senator CAREY. That is the purpose of this.

Senator NORBECK. But if we are to take up this, how many more—we will be here all summer. Here are 47 cases decided in favor of the settlers, and 9 against them, and most of those 9 were abandoned—no dispute about that. Shall we take up the other cases, too, or just this one?

Senator CAREY. There are other matters in connection with this case.

Senator ASHURST. Mr. Gabbey, do you assert that you were oppressed, injured, unlawfully treated, or maltreated in any way by anybody connected with the Forest Service, National Park Service, or the Government? If so, in what manner were you abused, maltreated, in any way, or your rights violated?

Mr. GABBEY. So far as the Teton National Park is concerned, Mr. Woodring and all of his park rangers, ever since the park was created, has been fair with me, but it is by the men above that I feel that I have been hurt and not treated right regarding this homestead.

Senator ASHURST. To whom do you refer now?

Mr. GABBEY. The Secretary of the Interior's Office and the General Land Office. Mr. J. T. Booth, the register of the land office at Evanston, has been extremely fair with me, but in all of the decisions that have been rendered against me they appeared to be unfair, and the fact that after I filed on my homestead up there in August 1927 they took 13 months—

Senator ASHURST. You say "they"; that is, the Land Office officials, you mean?

Mr. GABBEY. Yes; the Land Office officials.

Senator ASHURST. All right, let us get to that while on the ground here. This committee is impartial. If we have any sympathy at all—we are not supposed to have sympathy—it is with the settlers; that is natural. If you have been maltreated, oppressed, or injured here by anybody in the Yellowstone Park, or in the Teton Park, or in the national forest, or in the game preserve—if you were so mistreated or if anyone tried to deprive you of any rights, tell us whom it was and how he did it.

Mr. GABBEY. No, there is no mistreatment.

Senator ASHURST. Then, your complaint is directed against the decision that has come out from Washington?

Mr. GABBEY. Yes, sir.

Senator ADAMS. Were you represented by counsel?

Mr. GABBEY. By C. A. Bandell, prosecuting attorney in Idaho now.

Senator ASHURST. You apparently are of the opinion, and probably justified in it, that you have been unable to secure decisions from the Department in Washington with respect to such matters and entries, where other citizens, with similar lands and similar conditions, received favorable consideration, is that it?

Mr. GABBEY. Yes.

Senator ASHURST. That is the point you are trying to make?

Mr. GABBEY. Yes.

Senator ASHURST. You say to the committee, do you, that because of these unfavorable decisions handed down against you, and favorable decisions to others under similar conditions, you are thereby oppressed?

Mr. GABBEY. Yes, sir.

Senator ASHURST. What was the reason for this oppression, if any; what caused it?

Mr. GABBEY. Well, if that land had been allowed to me I would have gone ahead up there and established and built a lot of cabins to take care of the tourist trade and in making some money off the proposition. As it is now, we are turning away anywhere from 5 to 15 tourists every day up there that are wanting accommodations. Well, I took the matter up with the Evanston Land Office, I think, in regard to reimbursing me for any investments made up there prior to the land being allowed to me, and they told me if it was not allowed to me it would be my loss. Under the circumstances, I did not feel like going ahead and making any improvements at all on the land up there until that land is allowed to me. I need a well on the place, and the way the park situation stands now, as to whether it is going to be extended or not, I do not feel like making any further improvements on the place.

Senator ASHURST. Are you in favor of park extensions here?

Mr. GABBEY. No, I am not, and never have been.

Senator ASHURST. Have you taken any prominent part of assumed any leadership in opposing park extensions, such as would bring upon you the resentment of any park official?

Mr. GABBEY. I do not get your meaning.

Senator ASHURST. Have you been a leader among the people here in opposing park extensions, or have you been modest and expressed your opinions only when called upon?

Mr. GABBEY. I do not think I have been a leader in any matter at all. I expressed my opinions many times; I am centrally located and it seems to be headquarters around our place to discuss this situation.

Senator ASHURST. Have you any evidence to show or tend to show that, because you expressed your opinion in opposition to park extensions, any official of the Government has oppressed you or injured you in any way?

Mr. GABBEY. No, I do not think I have.

Senator ASHURST. Your injuries have been caused by decisions in Washington?

Mr. GABBEY. Yes.

Senator CAREY. Testimony has been introduced to the effect that the piece of land was bought, on which Mr. Gabbey had buildings, and that the Snake River Land Co. demanded his buildings.

Senator ASHURST. I did not hear that.

Senator CAREY. That is already in the evidence. There may have been some reason for wanting to get rid of Mr. Gabbey.

Senator NORBECK. Does the counsel contend that the Secretary of the Interior, in rendering this decision, violated the law?

Mr. PICKETT. No, I do not contend that.

Senator NORBECK. What were we getting at?

Chairman NYE. Were there any successful filings made at the time you made yours, or since?

Mr. GABBEY. Not since. Mr. Leonard Timbermyer filed on land adjoining me on the east at the same time.

Chairman NYE. You say, "at the same time."

Mr. GABBEY. In August 1927.

Chairman NYE. In the same month?

Mr. GABBEY. His was rejected, just the same as mine.

Chairman NYE. His was rejected?

Mr. GABBEY. Yes.

Chairman NYE. Doesn't it come to this, that your filing came at that very moment when the Department of the Interior was formulating a new policy in relation to public lands, as related to this area that was being considered for park extension purposes?

Mr. GABBEY. I do not know what plans they formulated.

Chairman NYE. And no one has received any better deal than you have since you made your filing?

Mr. GABBEY. I am not familiar with the circumstances.

Chairman NYE. Do you know of any filings that were successful since you filed?

Mr. GABBEY. Possibly there have been; I have not kept any record, there may have been.

Senator CAREY. Didn't you testify you filed 8 months before this withdrawal?

Mr. GABBEY. Yes, it was 8 months before the withdrawal.

Chairman NYE. That is understood.

Senator NORBECK. If counsel is not of the opinion that this decision was contrary to law how do you want the committee to decide it?

Chairman NYE. I think counsel ought to bear in mind that in a very large way departments are free to formulate policies under the law, that would apply in different ways in different situations. If, in this case, Mr. Gabbey had been denied his application, while others who made application at the same time or since were favored, then I would say they had a pretty hard and fast case of very improper policy and attitude on the part of the Department of the Interior, but unless we are going to be able to demonstrate that the Department of the Interior actually violated the law, ignored the law, in dealing with Mr. Gabbey, it seems to me that we are wasting an awful lot of time and effort here.

Mr. PICKETT. To give you my view of it, Mr. Chairman—

Senator NORBECK. That is all we want. Maybe we will agree with you when we find out what you are aiming at.

Mr. PICKETT. Here is a man who complains that he has been mistreated by the Department of the Interior——

Chairman NYE. And he would like to have the same hearing as I would want my own brother to have, if he were here.

Mr. PICKETT. That is the reason he is here. I never saw the man until he came here. He has made the complaint and feels that the Department of the Interior has dealt unjustly with him because of the policy which you state they adopted here. I am not attempting to say that they have—that is the duty of the committee—but I felt that you wanted to hear the complaints of these people, who feel that they have been unjustly dealt with. I am not attempting to say that he has been—I do not think that is my duty. I will say this, in connection with this particular case, that I will not be able, further than the letters introduced yesterday declaring the general policy as to homestead entries in this area, to connect his case further with the dealings of the Department of the Interior or the Park Service. He will develop some, which has no direct connection with it, or direct proof, as to the handling of his buildings. That is the substance of the case and of his complaint. If the committee feels that that is not a complaint that should be heard, it is immaterial to me.

Senator NORBECK. I am very glad for the explanation. I do wish you would take this committee into your confidence; we are kind of getting in on your plan for the first time, and we would like to know a little more about it. How much more have we got of the same kind?

Mr. PICKETT. No more.

Chairman NYE. This is the one case of its kind that is being presented.

Senator NORBECK. Counsel does not contend that the decision is wrong; he simply says that the witness thinks it is wrong?

Chairman NYE. So far as the Chair is concerned, he feels that he speaks the minds of the committee, that the entire committee wants every individual in this community, every individual who has any interest in this larger project, to feel that the committee is affording ample and complete opportunity to one and all to make known such displeasure as may be theirs with respect to the proceeding that has prevailed, and, that being the case, the Chair would insist that Mr. Gabbey go on and present his case in its entirety. Does the Chair, in so holding, speak the minds of the committee?

Senator ASHURST. The Chair speaks my mind.

Senator NORBECK. Sure, if we know what it is about let us proceed.

Chairman NYE. Very well.

Senator ADAMS. That is all right: let him proceed and tell his entire story.

Mr. GABBEY. If I be permitted, let me say a few words.

Mr. PICKETT. Yes; I think the committee wants to hear them.

Mr. GABBEY. I came into this country to make my home here. I had no business at that time, I was out of business, and my wife and I had been coming to Jenny Lake for several years—pardon me, I will make this as brief as possible—and camping up there. We liked the country and wanted to make our home in there, and when we went up to Jenny Lake first we made an effort to buy some land—we tried to buy some land from Sam Smith.

Chairman NYE. You came in 1926, did you say?

Mr. GABBEY. To Jenny Lake, in the spring of 1926.

Chairman NYE. Yes.

Mr. GABBEY. We tried to buy land from Homer Richards, and we tried to buy 40 acres from Carl Bark in there, but could not make any deal with any of these people, so concluded to homestead. I came down to file on that tract of land that J. G. Scott had filed on—I understood he could not hold it on account of prior filings—on the east side of Jenny Lake, and when I got down to Wilson and saw the Land Commissioner he told me that a man by the name of Miller had filed on it 2 or 3 days ahead of me. That was in January 1927. On the way home I learned there was 40 acres back next to the mountain, back of Jenny Lake post office, that was open and subject to filing. So I went back to file on that 40 acres over there. When I went down to the Land Commissioner's office I had the wrong description. I had written, in the meantime, to Evanston to inquire whether or not that was subject to homestead. When I got down to file on that land I learned it was 5 or 6 miles east of where I thought it was. So, while I was in the Commissioner's office at Wilson—but, before I discovered where that land was, we took one of the withdrawals that he had there, I believe, and started to check on it as to what land was open up in that country, if any, and I found, in checking it up, that that land that I filed on was open subject to homestead. So I immediately made my filing, first filing, at that time on the 126 acres. I did not slip in up there and file on that land thinking some time it would be extended into the park and I would make a lot of money off of it, or anything of the kind; I wanted to make a home in that country. I guess that is about all.

Chairman NYE. Mr. Gabbey, when you first went in there was there any talk of the creation of a national park in that neighborhood?

Mr. GABBEY. That was in 1925, and I do not recall that there was at that time. I had heard, while I was living in Idaho for years past, that this country over there might some time become a park, but I do not recall at that particular time any conversations in regard to it. That was 2 years before it was created.

Chairman NYE. Was there any talk at that time of land being purchased by some association or some individual?

Mr. GABBEY. No; I never heard a word about it, I didn't even know there had been a withdrawal at that time in the valley at all.

Chairman NYE. Now, how long, after you made your homestead filing, did you make the additional entry filing?

Mr. GABBEY. Well, between February and August in 1927.

Chairman NYE. In between that time had you heard any talk at all of the Park project?

Mr. GABBEY. No; and I will tell you why I made the second filing. I made my original filing up there when there was about 5 or 6 feet of snow over that country, and did not know just exactly what the land was like when I filed on it. In the spring, when the snow went off, I found probably 100 acres of the 126 was lodgepole pine, and the balance of it extended out on the flat toward the road. That was not sufficient land there to erect some cabins, and make a tourist camp, which I wished to do, in connection with it, and I wanted to see if I could not file on some more and I wanted to get the county surveyor to come up there and survey the land, so I could see where the boundaries were, and Mr. Williams was sick for a long time——

Chairman NYE. Who was the surveyor—Mr. Williams?

Mr. GABBEY. County surveyor, and he was sick a long time during the summer, and finally he got well enough to come up there in July or the forepart of August, I do not recall which, and he ran out the lines around there, and, then, in the latter part of August after that I went down and made my additional filings. That is how I came to make my additional filings, and I only filed on 236 acres because that is all of the land that I felt I cared to have in there. I could have filed on 640 acres, if I wished, under the Stockraising Homestead Act.

Chairman NYE. Had you finished with the witness, Mr. Pickett?

Mr. PICKETT. Go ahead; I would rather you asked him.

Chairman NYE. Have efforts been made to buy your rights up there?

Mr. GABBEY. Yes, Winger came and saw me only once.

Chairman NYE. Only once?

Mr. GABBEY. I will say, twice.

Chairman NYE. That was when, the first time?

Mr. GABBEY. Well, that was shortly after Richards had sold out to him, I do not just recall what year it was; I believe it was in 1929, I am not sure.

Chairman NYE. You said you had sold some property to them?

Mr. GABBEY. No, I never sold any property.

Chairman NYE. You never sold any property of any kind?

Mr. GABBEY. No.

Chairman NYE. What was offered to you for your property or your rights?

Mr. GABBEY. Well, I told—Winger came up there and wanted to know what I would take for my rights. I told him I did not have anything to sell except the store that I had, and the two buildings, and that I had no patent to the land and I did not want to sell it anyhow, but I asked him finally what he would give me for the store and the stock and the two buildings, and he said he did not want my stock at all, and he said if I would relinquish my 126 acres up there—

Chairman NYE. That was your homestead?

Mr. GABBEY. Yes; if I would relinquish that up there and get off and get out, why, he would submit an offer of \$15,000 to his people, and I told him—well, I said, in other words, “just take my hat and coat and walk out?”, and he said “yes, and take your stock along in a suitcase”, that he did not want the stock at all. And we talked there awhile about it, and finally he said, “shall I submit this offer to my people—\$15,000”, and I said, “No, you need not submit that to them at all because I do not want to sell out, I have no land to sell, or anything of the kind”.

Chairman NYE. How long was that after you made your location?

Mr. GABBEY. That was probably 2 years.

Chairman NYE. You had been there about 2 years when that offer was made?

Mr. GABBEY. Yes.

Chairman NYE. Wasn't that a pretty good offer, Mr. Gabbey?

Mr. GABBEY. Well, I do not know whether it was or not. I did not want to sell to them; if the same men would offer me 40,000 today, or probably 50,000, I would not sell; I did not want to sell out. It is not a matter of money to me; I came into this country to make my livelihood, and I think I can make it.

Chairman NYE. I haven't any doubt you could, Mr. Gabbey, but it is plain to be seen that your interests were in controversy with the interests of another larger group. You say you would not have sold for \$50,000?

Mr. GABBEY. I do not think I would, but I do not know; probably I would.

Mr. PICKETT. Didn't you make an offer at one time, Mr. Gabbey, to sell to them for what they would pay for your land on which the entry was rejected?

Mr. GABBEY. No, I did not. I told Winger that if anybody ever did buy me out up there, or I had to get out up there, I had to be paid for that 236 acres of land that had not yet been allowed to me, and I felt that I would get a patent for that some time, and Mr. Winger said, "Well, you will never get it", just like that, to me.

Mr. PICKETT. And did you ever get it?

Mr. GABBEY. No; it has been 6 years now, and I haven't got it yet.

Senator ASHURST. When was it Mr. Winger stated to you you would never get a patent?

Mr. GABBEY. That was the time he made an offer——

Senator ASHURST. I want the date.

Mr. GABBEY. I cannot give you the exact date, but I think it was in 1929; it was shortly after he purchased the land from Homer Richards.

Senator ASHURST. Do you know of any activity on the part of Mr. Winger or any other person connected with the Snake River Land Co. to prevent the issuance of your patent?

Mr. GABBEY. No, I don't; I could not swear to anything of that kind.

Senator ASHURST. Are you able to relate to the committee any incident or any event where the Snake River Land Co., through any of its agents or officers, has oppressed you or injured you or tried to thwart your purpose to live there?

Mr. GABBEY. Only indirect conclusions that I could draw, and that probably would be the evidence I heard yesterday—correspondence between Chorley and Cammerer to prevent everybody in Jackson Hole from getting a homestead, and the fact that I filed on that land in August 1927 and they never sent a man there to view that land or make a report on it for 13 months after. That, I think, is uncommon.

Senator ASHURST. You say "they never sent a man"—you mean the Government sent an agent?

Mr. GABBEY. The Government sent the agent, and then after they did send a man there in September——

Senator ASHURST. Whom did they send?

Mr. GABBEY. I never learned, I was not there at that time.

Senator ADAMS. Mr. Gabbey, which of these filings did you make in the winter time when there was 5 or 6 feet of snow?

Mr. GABBEY. That was my original.

Senator ADAMS. That was your original homestead?

Mr. GABBEY. Yes.

Senator ADAMS. You received patent to that?

Mr. GABBEY. Yes; last August.

Senator ADAMS. The part in controversy is the additional two-hundred-and-odd acres?

Mr. GABBEY. Yes.

Senator ADAMS. Does that adjoin your homestead?

Mr. GABBEY. All one continuous tract of land.

Senator ADAMS. The purpose that you had in mind was the establishment of a cottage colony there?

Mr. GABBEY. Yes.

Senator ADAMS. Not an agricultural purpose?

Mr. GABBEY. Well, that was part of it. If I wanted to put some milch cows in there and sell milk and cream, that was my privilege, of course, in connection with the cottages, and make my living there. After this fellow viewed this land in September——

Senator ASHURST. You mean, the Government agent or inspector?

Mr. GABBEY. Yes.

Senator ASHURST. September, of what year?

Mr. GABBEY. 1927. They took some——

Senator ASHURST. It must have been 1928.

Mr. GABBEY. Yes; it was 1928, yes, September 1928. After he viewed that land he took something like from September to March to make this report to the Geological Survey—October, November, December, January, February.

Senator ASHURST. Isn't that about the average speed of the Government officials?

Mr. GABBEY. Well, I don't know, I am sure; there was 6 months it took to make that report to the Geological Survey. That made 18 months——

Senator ASHURST. Who was the agent?

Mr. GABBEY. I do not know.

Senator ASHURST. It is singular to me, I do not comprehend how you people—you are intelligent people—speak of agents, and don't you know whom they are?

Mr. GABBEY. Let me explain.

Senator ASHURST. All right.

Mr. GABBEY. No; I could not find out who it was. I wrote to Ralph S. Kelly at Denver five or six letters and asked him to name the gentleman who came there and made the adverse report.

Senator ASHURST. I do not understand why it is that you find out there is a system of espionage, secret agents investigating citizens, and the citizens never find out who they were.

Senator CAREY. Do you know whether or not an agent ever came to see this place?

Mr. GABBEY. Only what Crandall told me.

Senator CAREY. Did Crandall see this agent?

Mr. GABBEY. Yes; he told me that he came to him and asked him about my land, and asked him to show him some of the corners. A few days afterwards Crandall said "I think you are going to get your land", and I asked him "why?" He said "this field man was here and came to him and asked him to take him over and show him some of my corners", which he did, "and that the man afterwards came back to him and said to him that he could not see that this land was worth anything but for stock raising, had no merchantable timber on it, and what few trees were on the land were only good for stovewood."

Senator ASHURST. You never got the name?

Mr. GABBEY. No.

Senator ASHURST. Did you ask for the name?

Mr. GABBEY. Yes; I asked Crandall, and he did not know.

Senator ASHURST. He showed the man your corners and never asked the man his name?

Mr. GABBEY. I do not know whether he ever did.

Senator NORBECK. Did you ever write any member of Congress from Wyoming to get the name of that inspector attached to that report on file in Washington?

Mr. GABBEY. I will get to that in a second.

Senator NORBECK. All right.

Mr. GABBEY. I wrote to this Denver man, the chief of the field men, Ralph S. Kelly, five or six letters, in regard to that, and asked him the name of this man—I wanted to know the name of the man who made the report. I even registered one letter to Kelly, and he never replied to any of those letters to this day. Then I sat down and wrote to George O. Smith, Director of the Biological Survey, and asked him if he would send me a copy of the report of this man, and then he wrote back and said the report was in code and I could not understand it if he would send it to me.

Senator NORBECK. Did you ever write a Member of Congress asking him to get the name of the inspector?

Mr. GABBEY. I did.

Senator NORBECK. Did you get it?

Mr. GABBEY. Just recently, within the past few days. I asked Mr. Carey, Senator Norbeck—

Senator ASHURST. Senator Carey, you mean?

Mr. GABBEY. Senator Carey—if I could not, in some way, get the man's name, or a copy of the report, and Senator Carey said he would see in time if he could get it.

Senator NORBECK. He would have no trouble. He could telephone over if he was in Washington. If he was out here, it would take longer. It is a public document, and you are entitled to get it, and you can get it by writing to a Member of Congress.

Mr. GABBEY. I didn't write any letter.

Mr. PICKETT. Have you the letter from George Otis Smith?

Senator NORBECK. That report that was made on your land can be furnished to any United States Senator, and either one of your United States Senators can get it for you, and if they don't get it for you I will get it for you.

Senator ASHURST. So you don't know the name of that agent?

Mr. GABBEY. No; I don't. I saw a copy of the report—

Senator CAREY. Have you a copy of the report, Mr. Pickett?

Mr. PICKETT. Yes; I have a certified copy.

Senator ASHURST. Now, then, can't you get the name from that?

Mr. PICKETT. Yes; his name is here on the report.

Senator NORBECK. Now, here we have killed a lot of time. Why didn't you give that to the committee and save all of that time? I think counsel ought to—

Mr. PICKETT. Senator Ashurst was asking the witness some questions, Senator Norbeck. This is a certified copy of the report, and it is dated September 8, 1928, and signed by D. Falck.

Senator NORBECK. That communication is addressed to whom?

Mr. PICKETT. Addressed to me.

Senator NORBECK. Does it show that this report was in code, as Mr. Smith said it was?

Mr. PICKETT. There is an explanation of the numbers in a letter to me attached to the report.

Senator ASHURST. Do you feel at liberty to disclose this report?

Mr. PICKETT. Yes; I intend to read it.

Senator ASHURST. Very well.

Mr. PICKETT (reading):

EXHIBIT No. 49

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, July 24, 1933.

HON. JOHN C. PICKETT, *Attorney, Senate Committee, Cheyenne, Wyo.*

MY DEAR MR. PICKETT: In reply to your letter of July 18, 1933, there is attached copy of the field report submitted on land embraced in the stock-raising homestead application of Albert W. Gabbey. Depue Falck is the examiner who submitted the report and he is now located in the Washington office. The code numbers used on the diagram are indicative of land types in conformity with general instructions for field examiners issued by this office and are defined as follows:

- 5—Noncultivable land.
- 10—Smooth land.
- 11—Rough land.
- 12—Rocky land.
- 60—Sagebrush.
- 110—Conifer timber.

Yours cordially,

JULIAN D. SEARS, *Acting Director.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, D.C., July 24, 1933.

Pursuant to the act approved August 24, 1912, I hereby certify that the annexed is an exact copy of a field report submitted by Depue Falck, a classifier in the employ of the Geological Survey, based upon his field examination of land involved in the petition of Albert W. Gabbey (Evanston 014755-015468), for designation of certain lands under the Stock-raising Homestead Law.

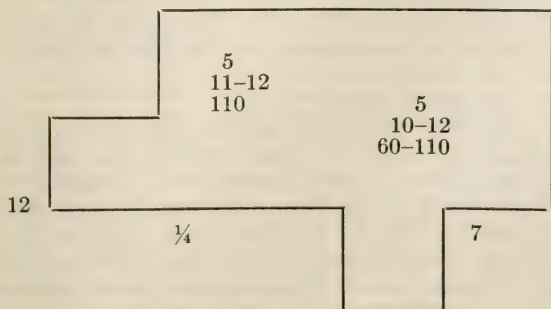
In testimony whereof, I have hereunto subscribed my name and caused the seal of the Geological Survey, Department of the Interior, to be affixed, the day and year first above written.

(Signed) JULIAN D. SEARS,
Acting Director.

[SEAL]

STOCK-RAISING HOMESTEAD ACT (DEC. 29, 1916)

Map sheet to accompany report on application of Albert W. Gabbey. Land district, Evanston. Serial 014755. T. 44 N., R. 115-116 W., meridian, sixth principal meridian, Wyoming. T. 116 W., R. 115 W., observation branch. Received September 14, 1928, Geological Survey.



Topography.—The western part of the tract is a rough, rocky area covered with dense thicket of jack pine (lodgepole). Eastern part more open, level, rocky flat. All nontillable.

Soil.—Gravelly, rocky.

Vegetation.—*Type 110.*—Dense thickets of young lodgepole with some patches of aspen. Undergrowth low huckleberry, pachystime, *Caenothus*, pine grass and sedges (in patches). None of timber is merchantable.

Type 60-110.—Density 35, *Koeleria cristata*, *Agropyron spicatum*, *Stipa* sp., *Poa*, sp., sage, *erigonum*, balsomroot, scattered lodgepole (scrubby).

Water.—Several small seeps.

Agriculture.—Nonagricultural.

Grazing.—Poor range, the type 110 being practically worthless. Type 60-110 has a carrying capacity of approximately 10 to 12 cows per section.

Summer range.—June 15 to October 15. The claim as it stands would not support 10 cows.

N.B.—Tract adjoins scenic tourist area and principally valuable as camp grounds.

Scale: 2 inches=1 mile.

D. FALCK.

SEPTEMBER 8, 1928.

Senator CAREY. How many acres of land was he talking about?

Mr. GABBEY. Three-hundred and sixty-three and a fraction.

Mr. PICKETT. That is the total?

Mr. GABBEY. That is the total.

Senator NORBECK. So there is no secret about the name now?

Mr. PICKETT. I don't know that there ever was, Senator.

Senator ASHURST. And the agent reports that on one quarter it would take 10 acres to sustain one animal?

Mr. PICKETT. No; it says that it would not support 10 cows on the whole thing.

Senator CAREY. Well, 10 cows would make a man a living.

Senator ASHURST. What do you say about that?

Mr. GABBEY. There is forage enough there for far more than that.

Senator ADAMS. Senator Ashurst, this says it has a carrying capacity of 10 to 12 cows per section.

Senator ASHURST. And how many acres are involved in this matter?

Senator ADAMS. Approximately half a section.

Senator ASHURST. Then it would be five or six cows?

Senator CAREY. This land is very close to the highway, and we can go out there, and you can see similar land to it that got by as a grazing homestead.

Mr. PICKETT. After this, were there any other attempts made by you to get title to this property? Were there any bills introduced in Congress, do you know?

Mr. GABBEY. Yes; after they had closed the case on me, I asked Senator Carey to introduce a bill in the Congress for me, and asked Representative Carter to introduce a bill, to ask the Secretary of the Interior to allow the land to me.

Mr. PICKETT. Did that bill ever pass?

Mr. GABBEY. Yes; my bill passed the Senate—I think it was in the Seventy-first Congress, I believe—and went to the House and died in the Lands Committee of the House when Congress adjourned. Then it was reintroduced in the House during the next session of the Congress. It passed the Senate a second time and went to the House committee, and then it was brought up in the House committee prior to the last 4th of March, about 2 weeks prior to the adjournment of Congress, and the committee took it under advisement, and it died there again. In this last special session of the Congress, Senator

Carey introduced the bill again and Representative Carter introduced it in the House, and the two bills are pending there now.

Mr. PICKETT. Have you a copy of a letter from the Secretary of the Interior which states his position in the matter?

Senator ASHURST. I happen to have in my hand a letter signed by Joseph M. Dixon—

Mr. PICKETT. I have a letter which states the position of the Department, I think, quite clearly.

Senator ASHURST. Probably that is it.

Mr. GABBEY. No; that is not the one you have. I have it here. As I understand, my bill was brought up in the Senate—

Senator ASHURST. No; Mr. Pickett is asking for a letter giving the position and the view of the Department.

Mr. GABBEY. I was just explaining that now. When my bill was brought up in the special session of the Congress in the Senate, the Public Lands Committee, Senator Kendrick, wrote to the Secretary of the Interior for a report on my case, and this is a copy of the reply.

Senator ASHURST. And it was forwarded to you by Senator Kendrick?

Mr. GABBEY. That was forwarded to me by Senator Carey, I believe.

Senator CAREY. It was addressed to Senator Kendrick, the chairman of the Public Lands Committee.

Mr. PICKETT. I believe this is the position of the Secretary of the Interior.

Senator ASHURST. I think it should be read.

Chairman NYE. Let it be read.

Mr. PICKETT (reading):

EXHIBIT No. 50

THE SECRETARY OF THE INTERIOR,

Washington, April 20, 1933.

HON. JOHN B. KENDRICK,

*Chairman Committee on Public Lands and Surveys,
United States Senate.*

MY DEAR SENATOR KENDRICK: I have received your letter of March 13, with which you enclosed, among other bills, S. 312 and ask for my opinion as to the merits of same.

Senate 312 proposes to authorize and direct the Secretary of the Interior to allow Albert W. Gabbey of Jenny Lake, Wyo., to make an additional stock-raising homestead entry for the $W\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, sec. 7, T. 44 N., R. 115 W., sixth principal meridian, thereby validating his additional stock-raising homestead entry 015468, Evanston, Wyo., series. Since the bill is intended to cover the land enclosed is additional stock-raising homestead application 015468, Evanston, Wyo., series, the description should be amended by eliminating the $SE\frac{1}{4}SW\frac{1}{4}$ in line 7 thereof and including in lieu thereof the $SE\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$. The word "entry" in line 10 should be stricken out and the word "Application" should be substituted in lieu thereof.

It appears from the records of the General Land Office that on August 27, 1927, Albert W. Gabbey filed stock raising homestead application Evanston 015468 for the $N\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, and $NE\frac{1}{4}SW\frac{1}{4}$ sec. 7, T. 44 N., R. 115 W., sixth principal meridian, as additional to his homestead entry Evanston 014755 allowed March 21, 1927, for the $S\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}NE\frac{1}{4}$ sec. 12, T. 44 N., R. 116 W., and $SW\frac{1}{4}NW\frac{1}{4}$ sec. 7, T. 44 N., R. 115 W., sixth principal meridian, containing 126.74 acres. He accompanied his application with his petition, in duplicate, for the designation of the land involved under the stock-raising homestead act. In order to determine the character of the land field investigation by the Geological Survey was necessary. In its report of February 16, 1929, it was stated that the lands are rocky and have only a scanty growth of palatable forage species and that the number of livestock that can be grazed is accordingly

very low. For this reason and the fact that the lands were included in a withdrawal created by Executive order of April 16, 1928, for classification and in aid of legislation for the purpose of establishing an elk refuge, the Geological Survey found the land to be not unreserved and not chiefly valuable for stock-raising and held the land to be not properly subject to designation under the stock-raising homestead act. Accordingly, the General Land Office on March 2, 1929, rejected the application and from that decision claimant appealed to the Department. This Department by its decision of April 29, 1929, affirmed the rejection of the application. By departmental decision of July 2, 1929, upon a motion for rehearing claimant was allowed opportunity to show that he had actually established residence upon the land in the additional application prior to the withdrawal of April 16, 1928, and had since maintained his residence thereon so that the benefits of the act of June 6, 1924 (43 Stat. 469), could be made available to him. October 14, 1929, claimant filed supplemental application under the enlarged homestead act for all but 40 acres of the same land (omitting the NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 7), together with his petition for its designation thereunder and a showing in support of the application, which was rejected by departmental decision of November 7, 1929, upon the ground that it showed Gabbey was at all times residing on the land embraced in his original homestead entry and had never established residence on any portion of the land applied for and that as he was not entitled to the benefits of said act of June 6, 1924, the withdrawal of April 16, 1928, precluded the allowance of the application. A motion for rehearing was then filed which was denied by departmental decision of December 19, 1929. Pursuant to said departmental decision the General Land Office on January 3, 1930, finally rejected the application and closed the case. By departmental decision of March 26, 1930, a petition for the exercise of supervisory authority was denied upon the ground that no reason was shown why the matter should be reopened.

None of the land applied for by Mr. Gabbey has been designated under the stock-raising homestead law nor under the enlarged homestead law and all of it is still included in the withdrawal made by Executive order of April 16, 1928, for elk refuge purposes and because of these facts, and the further fact that applicant has not been able to show that he is in any way vested with any rights entitling him to equitable consideration under his rejected application, which objections apply to this bill, I am unable to recommend that the bill be enacted.

Sincerely yours,

(Signed) HAROLD L. ICKES,
Secretary of the Interior.

Senator CAREY. I want to state to the committee that my colleague, Senator Kendrick, and I made a personal visit to Mr. Albright of the Park Service and both requested him to withdraw any opposition which he might have to Mr. Gabbey's getting title to his land. We accomplished nothing by our visit, because Mr. Albright was unwilling to state he had no objection to this filing. After that I introduced the bill to try to get this land for Mr. Gabbey. Both Senator Kendrick and I were particularly interested in this filing because we felt that a great injustice had been done to Mr. Gabbey. We were acquainted with the land and we were acquainted with similar land, and if any member of the committee will go out and look the land over I think the committee will agree that this is not a fair ruling.

Senator NORBECK. How far is this from the town, how many miles?

Mr. GABBEY. It is 24 miles.

Senator CAREY. Yes; and the highway runs pretty close to it.

Senator NORBECK. I am going out and look at it tomorrow, and I will inspect the land myself.

Mr. PICKETT. Have the Committee pretty well in mind Mr. Gabbey's case?

Chairman NYE. I am sure we have. Are you finished with the witness?

Mr. PICKETT. We might have him explain his deal in connection with these buildings that were on Mr. Richards' place.

Mr. GABBEY. When Mr. Richards and I went to Jenny Lake together in the spring of 1926, we erected the store building there together, and shortly afterward I paid Mr. Richards for his labor that he had put in on the building and became the sole owner of the building, and at that time it was agreed with Mr. Richards that I would pay him \$25 a year for the small tract of land on which the two buildings were located. I continued to do that up until the time that the Snake River Land Co. purchased the buildings from Mr. Richards. Before Mr. Richards sold out I tried to get a lease from him for that little tract there, and he wouldn't give me a lease because he was afraid it might impair the sale of his property, so I told him then, "If you sell out here, I want to be protected—I want \$3,000 for my buildings and the business that I have started there", and he said, "Don't worry; I will take care of you", so I let it go at that for awhile, and he and Mr. Winger were dickering on this property there with one another every few days, I understood, and I went to him again and asked him about it, and finally he told me that Mr. Winger said he would take care of me. Well, Mr. Richards went ahead and closed his deal with the Snake River Land Co. and I was not taken care of by neither Winger nor Richards.

Senator ASHURST. When Mr. Richards told you that Mr. Winger would take care of you, you should have gone to Mr. Winger and related that conversation to him and said, "Are you going to take care of me?" Did you do that?

Mr. GABBEY. No.

Senator ASHURST. You didn't take time to see Mr. Winger?

Mr. GABBEY. No, I didn't take the time.

Senator ASHURST. And then did you go back to Mr. Richards then and make complaint?

Mr. GABBEY. I did.

Senator ASHURST. What did he say?

Mr. GABBEY. Mr. Richards told me that he didn't want that \$3,000 to come off of him so it would have to come off the Snake River Land Co.

Senator ASHURST. The Senate committee and the Government cannot take care of a man in any bargain or any trade if he doesn't protect himself. We sympathize with you, but I don't know what we can do about it.

Mr. GABBEY. I tried to protect myself in every way that I could with Mr. Richards. At any rate, I let it go at that. I saw there was nothing I could do about it except to sue Richards, and I didn't care to do that, or sue the Snake River Land Co.

Senator ASHURST. The Snake River Land Co. had not agreed to take care of your interests, had they?

Mr. GABBEY. No.

Senator ASHURST. Then you couldn't sue them.

Mr. GABBEY. After Richards sold out, I saw I had to get off of there, and I made an attempt to lease that tract of land from Harold P. Fabian, and I had quite a little correspondence with him in regard to it, and we couldn't come to any agreement on it. He said he couldn't lease it to me. So then I sent to him a registered letter and told him that the buildings belonged to me and I was going to move

them off of the property, and he wrote me a long letter back and threatened me if I interfered with the buildings or molested them in any manner whatever. I made no answer to that letter, but very shortly after that I met Mr. Woodring up there one day, and in the presence of three men I told him that I was going to move these buildings off of that property and there wasn't anything going to stop me but a court order, so a few days after that I commenced tearing the buildings down and moving them a few hundred yards south onto a tract of land which I had in the meantime leased from Mr. Campbell 100 feet square there for \$10, so I tore the buildings down and moved them when there was 2 to 3 feet of snow down onto this other property—I had to tear them down in that snow and move them down there because my lease expired on the 1st day of May.

Senator ASHURST. If Mr. Richards is here, I should like to have him testify as to why he agreed to take care of this matter or what caused him to say that Mr. Winger or the Snake River Land Co. would agree to take care of Mr. Gabbey. Is Mr. Richards here?

Mr. RICHARDS. Yes, sir.

Chairman NYE. Will you just come forward, please, Mr. Richards.

Mr. RICHARDS. I have a letter here that I would like to have read. I am just out of the hospital and Dr. Huff would rather I would not be questioned too much.

Senator NORBECK. Yes, I may say that I am in the same condition. You have to be quiet.

Senator ASHURST. I understand there is a letter here which will clear up the whole situation?

Mr. RICHARDS. Yes, sir.

Chairman NYE. Will you send the letter forward, please?

Mr. RICHARDS. Counsel has the letter.

Senator ASHURST. While counsel is looking through his papers for that letter, can't you answer a few questions from your seat, right there?

Mr. RICHARDS. I will try to, sir.

Senator ASHURST. You heard what Mr. Gabbey said?

Chairman NYE. Do you want him sworn?

Senator ASHURST. I don't ask that he be sworn, Mr. Chairman. You heard that testimony?

Mr. RICHARDS. Yes, sir.

Senator ASHURST. Did you agree with him that his interest should be protected and taken care of?

Mr. RICHARDS. I did.

Senator ASHURST. By the Snake River Land Co.?

Mr. RICHARDS. Mr. Winger made the agreement that his buildings should be his and he could do as he pleased with them.

Senator ASHURST. Mr. Winger made that agreement with you?

Mr. RICHARDS. Yes, sir; him and I made the agreement that Mr. Gabbey would be taken care of. I insisted that he should be taken care of, and he said, "Surely", and I had a talk with him between Mr. Lovejoy's telephone office and the Forest Service after that, and he still made the remark that he would take care of Mr. Gabbey.

Senator ASHURST. What did he mean by taking care of him? What did you understand that to mean?

Mr. RICHARDS. That he would let him have his buildings.

Senator ASHURST. That is all.

Senator ADAMS. Let me ask Mr. Winger a question. Did you make any agreement with Mr. Richards to take care of Mr. Gabbey?

Mr. WINGER. Senator Adams, I have been accorded the privilege, after these witnesses have testified who are called to the stand, to reply to those witnesses, and I will answer them. I am under oath, and I am willing to answer anything that you ask. If you wish me to answer that question at this time——

Senator ADAMS. Yes, I would like to have you answer that one question, if you don't mind.

Mr. WINGER. Not at all. I went to Mr. Gabbey before I dealt with Mr. Richards and told him that I was making a deal with Mr. Richards and that I was buying all of the improvements on the property, and told him that he should protect himself, and he said that Mr. Richards had agreed to protect him. He further told me at that time, just as he has stated here, that he figured the value of his buildings at \$3,000, and Mr. Richards——

Senator NORBECK. That testimony is already in the record, is it not?

Mr. WINGER. Yes, but only what Mr. Gabbey said, and you are asking me about that now.

Senator NORBECK. Yes, we have heard all of that story.

Chairman NYE. You heard it from Mr. Gabbey.

Mr. WINGER. To go on, I never saw Mr. Gabbey again. Mr. Gabbey did not come to me at all. Mr. Richards and I had an understanding that I was to pay him \$25,000, which was to include all of the improvements on the land. When he came down—now, those conversations that he mentioned, I do not remember them, but I may have had those conversations, although I do not know what they were—but I do know this, that when he came to my house to sign the papers and complete the deal, he sat there in my house after the papers were made out and argued with me that he thought we ought to pay Mr. Gabbey something, and I explained to him that we would not consent to that, but that the only way we would deal was to have all the improvements, and that if he did not want to sign the papers that way he did not need to sign them. That was said and done in the presence of my wife in my home. He signed the papers that night.

Mr. RICHARDS. That argument was over the question that I shouldn't buy any more property in that territory.

Mr. WINGER. That also was brought up in that argument, yes.

Mr. PICKETT. Mr. Winger, you knew at the time that Richards didn't own the buildings, didn't you?

Mr. WINGER. No, I did not. I knew there was a quarrel between Mr. Gabbey and Mr. Richards about that.

Mr. PICKETT. And didn't Richards tell you that they belonged to Gabbey?

Mr. WINGER. No, sir.

Mr. PICKETT. Then why did you go to Gabbey at all?

Mr. WINGER. Because I took every precaution to protect our company against just such accusations as this. Mr. Gabbey will tell you that I came to him and that I told him that I was dealing with Richards and was going to buy Mr. Richards' land and asked him to protect himself, but that it was our plan to buy Mr. Richards.

Senator CAREY. How could he protect himself if you didn't know who they belonged to?

Mr. WINGER. There was a difference of opinion, and I did not care to try to settle between them as to which one owned these buildings. I wanted them both to be fully aware of their rights.

Senator CAREY. Didn't Mr. Gabbey tell you they were his buildings?

Mr. WINGER. Yes, Mr. Gabbey told me they were his buildings, and Mr. Richards had also told me that he had helped Mr. Gabbey to get started there——

Mr. RICHARDS. I beg pardon, sir, but that is not correct.

Mr. WINGER. I am under oath here.

Chairman NYE. Mr. Richards, although you say you are sick, you seem to be particularly energetic in getting into this in certain phases of it.

Mr. RICHARDS. I want to be honest about it.

Chairman NYE. Will you come forward and be sworn, please?

(Whereupon, Mr. Homer Richards was sworn.)

Chairman NYE. Mr. Richards, you have just stated that the information which Mr. Winger was giving us is not true.

Mr. RICHARDS. That is correct.

Chairman NYE. In what respect has he misinformed us?

Mr. RICHARDS. There was nothing said at his place about Mr. Gabbey's buildings. The argument that we had was, I didn't want to sign these papers if I couldn't buy in the territory any more. That is the reason that he held back the money. I didn't have my money at that time, and I was arguing with him about that.

Senator NORBECK. You had made the sale at that time?

Mr. RICHARDS. Yes, sir; I had made the sale but I had received no check.

Senator NORBECK. But you could collect from the company—they were responsible.

Mr. RICHARDS. I didn't think I could, sir at that time.

Senator NORBECK. You didn't have a contract?

Senator ADAMS. They had an agreement. They had agreed on the sale and they would have had to comply with that agreement.

Senator CAREY. A verbal agreement, wasn't it?

Mr. RICHARDS. I should think that his word was good. That is the only thing that we stated during that time while I were at his place. Nothing was mentioned about Mr. Gabbey's buildings at all. I remember very distinctly.

Mr. PICKETT. Did he know that Gabbey owned the buildings?

Mr. RICHARDS. Yes, sir.

Mr. PICKETT. Did you tell him?

Mr. RICHARDS. I told him plenty of times.

Senator CAREY. Do you claim or have you ever claimed ownership of those buildings?

Mr. RICHARDS. No, sir. They were Mr. Gabbey's buildings from the start. Mr. Gabbey helped me put up the buildings as much as I helped him.

Senator NORBECK. And Mr. Gabbey got the buildings?

Mr. RICHARDS. Yes, sir.

Chairman NYE. But Mr. Winger testified that he knew they belonged to Mr. Gabbey.

Mr. PICKETT. No, he didn't.

Mr. WINGER. I testified there was a dispute about the buildings.

Senator ADAMS. Mr. Richards, you gave a deed to the Snake River and Co.?

Mr. RICHARDS. I did.

Senator ADAMS. Did you except the buildings from this deed?

Mr. RICHARDS. I did not. I only took him at his word as just the same as it would be on a piece of paper.

Senator NORBECK. In other words, you sold the buildings to the Snake River Land Co.—that is, you gave them a deed——

Mr. RICHARDS. I did not. I told Mr. Winger——

Senator NORBECK. I mean, according to the written instrument that you gave. You gave them a deed, and the buildings were included in the deed, too?

Mr. RICHARDS. No, I did not, Senator.

Senator CAREY. After this sale by Mr. Richards you were notified by Mr. Richards to get out of the buildings practically, weren't you—that the buildings belonged to them?

Mr. GABBEY. After I asked for a lease he told me, after he refused the lease.

Senator CAREY. I believe Fabian testified that he wrote you that letter that you did not own the buildings.

Senator ADAMS. There does not seem to be quite as much controversy as the noise and smoke would indicate. That is, here are some buildings; of course the man that owned the buildings could not maintain them on the other man's ground if he did not want him to. Of course if they were Gabbey's buildings he could not maintain the buildings on the Snake River Land Co. property without their consent. It is a question of ownership, and there does not seem to be as much in dispute as seems to be indicated; is that the way it strikes you?

Chairman NYE. It does, very much.

Mr. GABBEY. May I make a statement?

Chairman NYE. All right, Mr. Gabbey.

Mr. GABBEY. Mr. Winger is evidently confused with something or other, because—I am under oath now——

Senator ADAMS. I assume, Mr. Gabbey, you are telling the truth whether you are under oath or not.

Mr. GABBEY. Yes; I say he is evidently confused about a statement he made.

Senator NORBECK. Who is confused?

Mr. GABBEY. Mr. Winger.

Senator NORBECK. All right.

Mr. GABBEY. I never knew Mr. Winger until after his deal was closed with Homer Richards; I had never been introduced to him, and only knew him by sight, and at no time did Winger ever come to me and talk to me about the purchase of Richards' buildings, or one word whatever. Now, I am under oath.

Senator ADAMS. There was no dispute; you did not own the ground on which the buildings were situated?

Mr. GABBEY. No; I owned the buildings.

Senator ADAMS. You did not have a lease on the ground?

Mr. GABBEY. I did not have a lease; I just took a receipt for the land.

Senator ADAMS. And that verbal arrangement was with Mr. Richards?

Mr. GABBEY. Yes.

Mr. RICHARDS. I would like to have my letter read.

Mr. PICKETT. I have not located that letter.

Mr. RICHARDS. The one I wrote to Mr. Fabian, I believe.

Mr. PICKETT. Does that letter express the true situation of this condition?

Mr. RICHARDS. I think it does, sir.

Mr. PICKETT. I will have it read into the record.

Chairman NYE. All right.

Mr. PICKETT. I would like to ask you one other question, Mr. Richards. Haven't you always been in sympathy with the Snake River Land Co.?

Mr. RICHARDS. Yes; I was in sympathy with park extension at that time.

Mr. PICKETT. Just one other question, Mr. Gabbey. Did you testify a few minutes ago relative to a suit being threatened against you for the removal of those buildings?

Mr. GABBEY. Yes; Mr. Fabian threatened suit, and, afterwards while I was reerecting the building, Winger stopped there one day and told me that in order to get at Richards the Snake River Land Co. would have to bring suit against me, so I told him to crack ahead; it did not make any difference to me. I owned the buildings and I moved them.

Mr. PICKETT. I think that is all.

Mr. RICHARDS. That is the only thing I wanted to clear up, Mr. Chairman, that statement of yesterday.

Chairman NYE. Your letter will be made a part of this record.

Mr. RICHARDS. Thank you.

Chairman NYE. Had you finished your statement, or was there other information?

Mr. RICHARDS. The committee will be here until the weather gets down to 60 below zero.

Chairman NYE. We do not want to be here at that time, but we want you to feel that you have presented the high points of the case that you want the committee to know of.

Mr. RICHARDS. I think I have.

Senator NORBECK. Are you living on this homestead at this time adjoining the land in dispute?

Mr. RICHARDS. It is my residence.

Senator NORBECK. Will you show me the land if I come out there tomorrow?

Mr. RICHARDS. I certainly will.

Senator NORBECK. May I ask counsel for a copy of the report, so that I will have it.

Mr. PICKETT. I will have it made.

Senator ADAMS. I would suggest that the affidavits be made available to the Senator.

Senator NORBECK. I do not want them.

(Witness excused.)

(Thereupon, exhibit no. 58 was marked for identification, ordered made a part of the record, and follows herewith:)

EXHIBIT No. 58

JACKSON, WYO., April 16, 1930.

MR. HAROLD P. FABIAN,
Salt Lake, Utah.

DEAR MR. FABIAN: I am sure you will pardon me in the liberty I am taking in addressing you in regard to a matter that has just come up affecting myself, the Snake River Land Co., and others.

I was approached today by Richard Winger, your representative, in regard to the matter "The Post Office Building" (owner, A. W. Gabby), which was located on part of the land involved in my sale and contract with the above-mentioned company.

Mr. Fabian, I wish to get myself placed in the proper light with you and your company in regard to this matter, for the very reason that at all times and under certain circumstances I have been highly impressed by the move which has been inaugurated and perfected by the Snake River Land Co. and as such being firmly convinced that it was for the best interest of all concerned for the Jackson Hole territory, I have given my moral support in every way possible to impress upon the different owners in this valley wherein and whereby not only those that would be directly benefited by certain sales or transactions but to all the people in this region who would be indirectly benefited, which, by the way, is proving itself at this early date. It has been a means in bringing into this territory, which, pardon my expression, is a foreign nucleus of a bigger and greater possibility than the citizens and taxpayers ever dreamed of in the future. Now, that is my stand and I trust that I have made myself clear, and which my prior activities in your company's support will bear out on investigation.

The reason, Mr. Fabian, that I am going to this length is that by no means do I wish to be placed in a false light or position with your company.

For your information I am pleased to advise that in all matters pertaining to the sale of my property, contracts relating thereto, verbal, etc., I have in no way deviated from your prior understanding, both verbal and otherwise, with your representative, Mr. Winger. By all means I wish you to realize that in every way I explained to Mr. Winger the status under question, viz:

History: The land under question was taken up by myself under the United States Government Homestead Act, 280 acres, of which I deeded to your company and for which I received recognizance only on the 240 acres, and for which I was paid, but by so doing I relinquished to your company all right, deed, claim, and title to the remaining 40 acres.

(2) Prior to the time of entering into the agreement with your representative, Mr. Winger, I had already given Mr. Gabbey permission through a verbal lease (which according to my code of honor) just binding as where in a written document, said lease to begin and terminate yearly from May 1 to May 1, upon which understanding Mr. Gabbey erected the building on the premises stated.

(3) Upon being approached by your representative, Mr. Winger, I was very profound to the point that all buildings on my land above stated were owned by me personally with the exception of the two buildings which Mr. Gabbey owned. This you will understand was a verbal understanding, first through Gabbey and myself, thence between Mr. Winger and myself, and it was positively understood that Mr. Gabbey would be taken care of, by your representative (meaning your company) if I would sign, sell, transfer all right, deed, and title to my holdings to your company.

(4) Mr. Fabian, I wish to state in conclusion that is a matter of regret to me such a thing should come up at this time as in every way above stated I have kept my agreement and contract (verbal and otherwise to the very letter); naturally I am expecting cooperation reciprocity likewise. Now your agent Mr. Winger made the statement before two witnesses and Mr. Gabbey that the buildings did not go with this property, which in itself is a corroboration of the statement above set forth as between Mr. Winger and myself.

I am sure that you will find everything true herein related; you may call upon me at any time in any way you may deem fit for my cooperation toward the advancement, completion of the move which the Snake River Land Co. has inaugurated in this territory, and I trust that this letter will be a means of enlight-

ment wherein all parties concerned will reach to a point of satisfaction, which has been my object from the start.

Thanking you in advance for your attention in this matter I beg to remain

Yours truly,

HOMER C. RICHARDS.

P.S.—I forgot to mention that these buildings (Gabbey's) were moved from the premises since the deal was consummated, and which naturally was no concern of mine, as above stated; it was entirely up to Mr. Winger and Mr. Gabbey, except to the point wherein I expect Mr. Winger to keep his promise to me.

H. C. R.

APRIL 23, 1930.

MR. HOMER RICHARDS,
Jackson, Wyo.

DEAR MR. RICHARDS: I received in due course your letter of the 16th instant. I appreciate your attitude and friendship for us, which I highly value. And for that reason I would be only too glad to forget about the Gabbey buildings and call the matter closed. However, these particular buildings were the subject of discussion at the time of the purchase of your property and were particularly included in the contract. The New York office was advised to that effect at the time and I simply cannot let the company's rights be ignored.

I hope you can appreciate the position I am in as an officer of the Snake River Land Co., for if I permit the Gabbey's to deliberately walk off with this property which the company has bought, and for which it has expressly paid, it would not be long before our rights and property would be held in little respect.

At the time negotiations were under way for the purchase of your property it was first proposed that the purchase price cover only the land and that you be permitted to remove the buildings. A form of warranty deed was sent to me by Mr. Winger, drawn on that basis. However, in view of what I regarded to be the very high price which we were paying for your property, I insisted that it must include all improvements and everything on the place. Accordingly, a new deed was drawn expressly including "all improvements, fixtures, and trade fixtures." This deed was signed, executed by you, and is now of record and for which we paid \$25,000. Under date of October 4, Mr. Winger advised me that he had explained to Mr. Gabbey that he must look to you for any compensation for loss of his buildings and that you fully understood that all improvements were being conveyed to us. Your deed was dated 2 weeks later than Mr. Winger's letter to me; i.e., October 18. In view of the fact that your deed expressly covers all of the improvements, trade fixtures, and fixtures on the property, and that it is a warranty deed under which you guarantee the title to us, and that the matter was the subject of discussion at the time of the transaction and to cover which a new deed was drawn, and also in view of the fact that you were paid an exceedingly generous price for the property—certainly ample to cover all improvements that were there—I feel that there is no course open to me excepting to insist upon either the return of the cabins or the payment of their value.

I am advised that Gabbey is taking the position that "some one—it is of no concern to him whether it be Richards or the Snake River land Co.—is going to pay him" or he will keep the buildings.

Under the circumstances, there seems to be absolutely no course left except for suit to be brought against Gabbey for these buildings. Since we must look to you for our rights under the guaranty of your warranty deed, I must ask you to bring action against Gabbey for the complete return of the cabins or the payment of their value to us. I am asking you to take this action because I think it is your obligation to us, and if you do not do so, we will have to bring suit and charge the costs and expenses thereof to you and likewise look to you on your warranty deed in case we should not be successful.

Will you please advise me whether or not you will undertake the suit against Gabbey to recover the buildings or their value?

I regret to have to insist on this, but I think there is nothing else I can do.

Yours very truly,

HAROLD P. FABIAN.

TESTIMONY OF C. A. BANDEL

Examination by Mr. PICKETT:

Mr. PICKETT. State your name?

Mr. BANDEL. C. A. Bandel.

Mr. PICKETT. Where do you live, Mr. Bandel?

Mr. BANDEL. Rigby, Idaho.

Mr. PICKETT. Are you an attorney-at-law?

Mr. BANDEL. Yes, sir.

Mr. PICKETT. You have represented Mr. Gabbey in his proceedings?

Mr. BANDEL. Yes, sir.

Mr. PICKETT. Are the statements that he made, in connection with that, substantially true?

Mr. BANDEL. Yes; I followed it very closely.

Mr. PICKETT. You feel that the committee has a fair statement of his case?

Mr. BANDEL. Yes, I do; I think he brought the matter before the committee very clearly and in accordance with the way the matter was handled.

Mr. PICKETT. Did you represent anyone else in a similar matter in this area?

Mr. BANDEL. Yes; I represented a young man by the name of Leonard Timbermyer at the same time I represented Mr. Gabbey.

Mr. PICKETT. Did he make an application for a homestead entry?

Mr. BANDEL. Yes; he made an application for a stock-raising homestead entry in September 1927.

Mr. PICKETT. And what was the outcome of that?

Mr. BANDEL. It was rejected. A petition was filed for a designation of it as a stock-raising homestead, and a report was made by the Geological Bureau reporting that it was unsuitable for stock raising.

Mr. PICKETT. Did you ever see that report?

Mr. BANDEL. Yes.

Mr. PICKETT. Was it similar to the one in the Gabbey case?

Mr. BANDEL. Identical.

Mr. PICKETT. Was that decision appealed?

Mr. BANDEL. Yes.

Mr. PICKETT. And what was the outcome of that?

Mr. BANDEL. The decision was affirmed.

Mr. PICKETT. Rejected?

Mr. BANDEL. Yes; the application was rejected.

Mr. PICKETT. Was his application made on the land before the withdrawal?

Mr. BANDEL. Yes; Mr. Timbermyer's application was made about 6 or 7 months before the Executive order withdrawing the land.

Mr. PICKETT. Do you know when he got knowledge of the rejection?

Mr. BANDEL. Do I know when Mr. Timbermyer got knowledge of it?

Mr. PICKETT. Yes.

Mr. BANDEL. Yes; at the time that the rejection was made.

Mr. PICKETT. Do you know how long after his application for the entry?

Mr. BANDEL. Well, it was about 7 or 8 or 9 months, as I recall.

Mr. PICKETT. Had he done anything toward improving the place before his entry was disallowed?

Mr. BANDEL. He made preparations to build a cabin upon the homestead or property, hauled rock and logs, had some logs sawed into lumber, bought roofing, made all preparations for the purpose of the erection of a dwelling upon the homestead.

Mr. PICKETT. Was his appeal continued, or was it dropped?

Mr. BANDEL. It was finally dropped, after the decision of November 7, 1929. I might add this, that they rejected the application first upon the theory that it was not stockraising, and gave us 30 days' time within which to make a showing upon the adverse report of the Geological Society, which we did by numerous affidavits.

Mr. PICKETT. Within the 30 days?

Mr. BANDEL. Yes; within the 30 days; but still they rejected Mr. Timbermyer's application.

Mr. PICKETT. And that closed it?

Mr. BANDEL. Yes. Finally, after they rendered several decisions, I think the last decision was November 7, 1929; then they finally advised us that the case was closed, and Mr. Timbermyer deemed it inadvisable to proceed any further; and, in view of the decisions that had been rendered, I did not see fit to encourage him to proceed, because it appeared to me that we were not getting the results that should have been obtained under the facts of the case.

Mr. PICKETT. Are you familiar with this particular land?

Mr. BANDEL. Yes; I am.

Mr. PICKETT. Is it land particularly suitable for stockraising?

Mr. BANDEL. Yes; I have been up in this country every summer at various times during the various months of the summer season, and have had many opportunities to observe the land in that community.

Mr. PICKETT. What is your opinion of it?

Mr. BANDEL. I would say it is stockraising, stockraising land.

Mr. PICKETT. Are you acquainted with any of the land adjoining it—contiguous to it?

Mr. BANDEL. Yes.

Mr. PICKETT. Are you acquainted with the Crandall land?

Mr. BANDEL. Yes; I am acquainted with the Crandall land, and am also familiar with the fact that the Crandall land was by the United States Government designated as stockraising, and this land of Mr. Timbermyer's is similar in kind and character to the Crandall land.

Mr. PICKETT. Are you familiar with the decision in the Gabbey case as to the requirement for residence on the additional entry?

Mr. BANDEL. Yes; I am familiar with the decision on that. I handled Mr. Gabbey's matter and, of course, naturally, I read the decision quite thoroughly.

Mr. PICKETT. What was that requirement in the decision?

Mr. BANDEL. With reference to residence?

Mr. PICKETT. Yes.

Mr. BANDEL. Why, I would infer, from the reading of the decision, that they rejected his application upon the theory that he was not residing upon the additional homestead.

Mr. PICKETT. And he was living on the original homestead?

Mr. BANDEL. He was at that time living upon the original.

Mr. PICKETT. And he would have to live upon both of them in order to prove up?

Mr. BANDEL. In other words, it appeared to me, from the decision, that they were requesting a physical impossibility.

Senator NORBECK. His original had not been patented at that time?

Mr. BANDEL. His original had not, and he was required, of course, to live upon the original in order to acquire patent for the original.

Mr. PICKETT. I think that is all I have.

Chairman NYE. There appears to be nothing further. Thank you. (Witness excused.)

TESTIMONY OF BUSTER ESTES

Examination by Mr. PICKETT:

Mr. PICKETT. State your name.

Mr. ESTES. Buster Estes.

Mr. PICKETT. Where do you live, Mr. Estes?

Mr. ESTES. Moose, Wyo.

Mr. PICKETT. Do you own some property there?

Mr. ESTES. Yes.

Mr. PICKETT. How much?

Mr. ESTES. A fraction over 76 acres.

Mr. PICKETT. Have you ever sold any land to the Snake River Land Co.?

Mr. ESTES. No, sir.

Mr. PICKETT. Has any attempt been made to purchase that land by agents of the Snake River Land Co.?

Mr. ESTES. I had a talk with Winger about it.

Mr. PICKETT. Just one talk?

Mr. ESTES. Just one talk.

Mr. PICKETT. Where was that?

Mr. ESTES. Over at a butcher shop.

Mr. PICKETT. State the substance of that conversation.

Mr. ESTES. He asked me if I wanted to sell, and I told him "no", and the talk went on, and finally he told me I would either sell or get out.

Mr. PICKETT. Have you done either?

Mr. ESTES. No, sir.

Mr. PICKETT. What was said after that?

Mr. ESTES. I asked him how he would put me out, and he said he would condemn it.

Senator NORBECK. You found it was not necessary to sell or get out; you are on the place, undisturbed?

Mr. ESTES. And I intend to stay.

Senator NORBECK. And you are there?

Mr. ESTES. Yes.

Mr. PICKETT. Was that all that was said in connection with that matter?

Mr. ESTES. Yes.

Mr. PICKETT. Have you talked with him since?

Mr. ESTES. No, sir.

Mr. PICKETT. Was anything said about how long he would give you to get out?

Mr. ESTES. Two years.

Mr. PICKETT. When was that conversation?

Mr. ESTES. Either 4 or 5 years ago.

Chairman NYE. You are still there?

Mr. ESTES. Yes.

Senator NORBECK. Are you within the boundaries of the Teton National Park, or outside of them?

Mr. ESTES. Just on the outside.

Mr. PICKETT. But you are within the area of the Snake River Land Co. project?

Mr. ESTES. Yes, sir.

Senator ADAMS. Did Winger give you to understand that the Snake River Land Co. had the right to condemn?

Mr. ESTES. That is the way I took it, yes.

Senator ADAMS. And not that it was the Park Service that had the right to condemn?

Mr. ESTES. No, sir.

Senator ASHURST. Mr. Winger, you heard that testimony; is that substantially true?

Mr. WINGER. That was the biggest surprise I have had.

Senator ASHURST. You have not answered my question, of course.

Mr. WINGER. I do not recall that.

Senator ASHURST. You heard the testimony given by this man?

Mr. WINGER. I did.

Senator ASHURST. What is your answer to that?

Mr. WINGER. I recall our meeting in front of the butcher shop. I would rather bring that in later; I am to be recalled on all this testimony.

Senator ASHURST. I am not doing this to embarrass you, sir; I just want to know.

Mr. WINGER. I do not recall making any such statement as that.

Senator ASHURST. That is your answer, that you do not recall it?

Mr. WINGER. I do not recall it.

Chairman NYE. That is all, Mr. Estes.

(Witness excused.)

(Thereupon, at the hour of 12:20 p.m., the hearing stood in recess to the hour of 1:30 p.m.)

The subcommittee met pursuant to adjournment, at 1:30 p.m., Senator Gerald P. Nye presiding.

Present: Senators Nye (chairman) Ashurst, Norbeck, Carey, and Adams, also present John C. Pickett, counsel for the committee.

Chairman NYE. The committee will be in order. Congressman Carter, the committee understands that you have a statement that you would like to make to the committee.

Mr. CARTER. Yes; Mr. Chairman, I would like to make a short statement.

Chairman NYE. We will be glad to hear you at this time. Does the committee wish Congressman Carter sworn?

Mr. CARTER. I am perfectly willing to be sworn if you wish.

Chairman NYE. Unless any of the other members of the committee desire it, I see no necessity for Congressman Carter being sworn.

TESTIMONY OF VINCENT CARTER

Examination by Mr. PICKETT:

Mr. PICKETT. Mr. Carter, you are Congressman from the State of Wyoming at this time?

Mr. CARTER. Yes.

Mr. PICKETT. Have you in your official capacity had any dealings with any representative of the Snake River Land Co.?

Mr. CARTER. Yes; I have.

Mr. PICKETT. Who was that, and explain what that was?

Mr. CARTER. The first time I came in contact with it was either the first or the second day I was in Congress, which was in 1929. Vanderbilt Webb came to see me—I had never seen him before—and he told me that he represented Mr. Rockefeller, and that Mr. Miller, who was agent in Wyoming for the Snake River Land Co., sent him to see me about purchasing two State sections, as I had been a member of the State land board for a number of years, and he wanted to know how he would go about purchasing them. I told him under the constitution they would have to advertise them and put them through competitive bidding, and he wanted to know if there was any other way he could buy them, and I told him that they could not legally do it in any other way. That was about all I had to do with Mr. Webb.

Mr. PICKETT. Did you later appear before the Secretary of the Interior or his assistant in connection with any applications made for rights in this area?

Mr. CARTER. Well, about 1930 or 1931 a man by the name of Harris, a person I had never seen before or heard of, came into my office and told me he had operated a bus line from Victor, Idaho, to Moran. He told me that he had operated in conjunction with the Union Pacific Railroad, and showed me then a schedule of the Union Pacific Railroad where they made connections with the Union Pacific train. I asked him why he came to see me, and I asked him where he came from. He said he was from Idaho, and I think he said he went to school in Utah, and I asked him why he came to see me, and he said he wanted me to go down and appear before the Department of the Interior in regard to a bus franchise that had been issued to the Teton Bus Co. I asked him why he did not go to the Idaho or Utah representatives, and I told him that he wasn't a citizen of Wyoming, and then he told me that when he had the franchise that he used to bring his passengers to the Jackson Lake Lodge, but since the franchise was issued to the Teton Bus Co. that they no longer brought them to the Jackson Lake Lodge but they brought them to the Teton Lodge, which they own. I said to him, "Now, I am interested in your proposition, because the Jackson Lake Lodge is owned by a number of people from Wyoming who are constituents of mine and personal friends of mine," and I said, "I will be glad to go down to the Department of the Interior." He told me that the franchise had already been issued, or a license, or whatever it was that they gave, had been issued to the Teton Transportation Co., and that Albright had issued it, so I said, "Then I will have to go to the Department over Mr. Albright," which is the First Assistant Secretary of the Interior, Judge Edwards, so I went down to see Judge Edwards. I went by myself, and I told him that I thought this fellow Harris had got a sort of a raw deal, as he had for several

years run the bus franchise there and had made the first application, and I told him I didn't think it was fair. I further told him that the particular thing I was interested in was that it was taking away business from constituents of mine who were residents of Casper, Wyo. Judge Edwards told me that he would take it under advisement, or something of that kind, but the next day, instead of hearing from Judge Edwards or anyone else, I got a telegram from a couple of friends of mine in Kemmerer, Wyo., asking me to lay off of this Harris permit, which I resented a great deal.

Mr. PICKETT. Was anyone present when you had that conversation with Judge Edwards?

Mr. CARTER. No; nobody at all. I was by myself.

Mr. PICKETT. Do you recollect having any conversation with anyone else, any other public official in regard to that matter?

Mr. CARTER. It must have been a year, or maybe 2 years, afterward, when Mr. Albright came into my office, and I told him how much I resented having taken the matter up with high public officials the issuing of a franchise and having them resort to a couple of people out in Wyoming to ask me to lay off, and I told him at any time I went to a public official about such a matter that I thought they should decide the matter on its merits. He said, "Don't blame it on Judge Edwards. If there is any blame, lay it on me", and he practically admitted that he heard about my visit there and got in touch with the Salt Lake people and asked them to get in touch with friends of mine and have them ask me to lay off pulling for Harris.

Mr. PICKETT. Was there anything further about that, Mr. Carter?

Mr. CARTER. No; that is all the connection I had with Mr. Albright.

Senator CAREY. Mr. Carter, I have a letter here from your secretary, Mr. Landfair, written to Mr. Jesse P. Chambers, at Grovont, Wyo., in which he says, after first telling Mr. Chambers that you were out of the city:

I went to the General Land Office and talked with the Chief of the Homestead Division and he explained that your file was now with the Park Service for any action they desired to make.

Chairman NYE. What is the date of that letter, Senator Carey?

Senator CAREY. That is April 8, 1931. Then Mr. Landfair goes on:

I asked why should the Park Service have anything to do with such a homestead and I was informed that that was the usual practice in order that the Park Service would have notice of the homesteads and give them an opportunity to protest the homestead if they could find anything to protest upon.

And then he goes on with other matters. Did your secretary ever discuss that matter with you?

Mr. CARTER. I wouldn't remember the particular letter, because we get so many letters there that he discusses with me. I do not recall that particular letter. There is no question but what he may have discussed it with me, because there are so many letters that come up for discussion. I do not recall each particular letter, however.

Senator CAREY. Of course, this is a copy of the letter that he sent.

Mr. CARTER. There is no question about it. Whatever he wrote, I would say was the fact, because I do not think he would write such a thing if it was not true.

Chairman NYE. Is there anything else in connection with this, Congressman Carter, that you want to say?

Mr. CARTER. Not on that particular thing; no.

Chairman NYE. Or upon any other angle of this inquiry?

Mr. CARTER. No; except that I resented the action of the First Assistant Secretary of the Interior, instead of giving me a decision that he would have some friends of mine tell me to lay off—it may not be that it was in those particular words, but it was telling me that the other outfit had a lot of money to spend and this fellow Harris had a poor outfit. I think that was about the contents of the telegram. I haven't got that telegram with me.

Senator CAREY. At that time, hadn't both of these men agreed to take stock in the Snake River Land Co. or the Teton Investment Co., the two friends of yours?

Mr. CARTER. They both told me that they had given notes for the stock in that company, and they demanded either the stock or the notes, and they received neither, from the Snake River Land Co.

Senator CAREY. That was the Teton Investment Co., was it not?

Mr. CARTER. I don't know what company it was. It was the company that they had organized at that time, and they had given their notes and they could get neither the stock nor their notes back.

Senator ADAMS. What happened to the application for the transportation franchise?

Mr. CARTER. The application of this man Harris was the first, but Albright had given it to the Teton Bus Co., or whatever their corporate name is. I didn't see Mr. Albright——

Senator ADAMS. And that stood, did it?

Mr. CARTER. Yes. I didn't see Mr. Albright when it came up, because the franchise or permit had already been issued, so I went to the appellate officer over Mr. Albright, who was the First Assistant Secretary of the Interior.

Senator NORBECK. Did you find the facts as represented by Harris as to the Jackson Lake Lodge? Did you find that the facts were as he said they were?

Mr. CARTER. I didn't investigate that any further.

Mr. NORBECK. You had no complaint from anyone in Wyoming that they were not getting the service that Mr. Harris complained of?

Mr. CARTER. I had no complaint at all.

Chairman NYE. Are there any other questions from the Congressman? If not, that is all, Mr. Carter, and thank you.

(Whereupon the witness was excused.)

Senator NORBECK. May I ask counsel a question?

Chairman NYE. Certainly.

Senator NORBECK. In this Gabbey homestead matter, counsel said that he had the files complete, and I don't recall that anything was introduced in the record showing that the Department of Interior held that a man must live on two homesteads at the same time in order to hold them.

Mr. PICKETT. I didn't say that, Senator Norbeck.

Senator NORBECK. But you brought witnesses here to testify to it. Have you any such thing?

Mr. PICKETT. I have all the witnesses available who can testify, and the files are here.

Senator NORBECK. But have you anything in the files of the case that justifies that statement on the part of anybody?

Mr. PICKETT. I will introduce that testimony if you want it.

Senator NORBECK. Does that say so here?

Mr. PICKETT. I don't know.

Senator NORBECK. Well, look up the letter and see, or else the legal members of the committee will have to do it themselves. Does the enlarged homestead law provide that a man may file on his additional homestead when he proves up on his original entry? That is, you have had two witnesses here that testified that the Department held because he lived on the old homestead——

Senator CAREY. I saw a circular from Mr. Clay Tallman this morning, who was Commissioner of the General Land Office, in which he states it is not necessary to establish residence on the additional.

Chairman NYE. That is aside from the point.

Senator NORBECK. Yes, the point is, do you have anything to justify the testimony that you have been abstracting from these witnesses?

Mr. PICKETT. I will call Mr. Bandel.

Senator NORBECK. Have you got anything in the files? If you have, let's get it and put it in the record.

Chairman NYE. Will you come back to the stand, Mr. Bandel?

Senator NORBECK. If you have anything in your possession——

Mr. PICKETT. I have these files that are here.

Senator NORBECK. You said this morning that you had the files complete, and you had both cases, and now I am simply asking you if you have anything of that kind in the files?

Mr. PICKETT. I have only what is in the files.

Senator NORBECK. You are not answering me yes or no now. I ask you a direct question, and you don't answer me. I give up. I give up.

Mr. PICKETT. I think you should.

Senator NORBECK. Of course, I am only a member of the committee, and I am not entitled to any information, evidently, so I must give up.

Chairman NYE. What Senator Norbeck wants is something more than the hearsay assertion that the land office denied these applications upon this ground.

Mr. PICKETT. Have you that information in your possession, Mr. Bandel?

Senator NORBECK. I am asking him if he won't take it out of the files and have it officially put in the record.

Senator CAREY. It was read into the record this morning.

Senator NORBECK. Let's have the record, instead of reading excerpts from the record. Let's have the whole thing.

Mr. PICKETT. You have the whole thing there.

Senator ADAMS. Let's get that record out, that statement, and see what it is.

Chairman NYE. Yes, find that particular reference in your exhibit and read it again to the Senators.

Mr. PICKETT. This is exhibit 50, a letter from Secretary Ickes to the Chairman of the Public Land Committee, dated April 20, 1933, and says——

This Department by its decision of April 29, 1929, affirmed the rejection of the application. By departmental decision of July 2, 1929, upon a motion for rehearing claimant was allowed opportunity to show that he had actually established residence upon the land in the additional application prior to the withdrawal of April 16, 1928, and had since maintained his residence thereon so that the benefits of the act of June 6, 1924, could be made available to him. October 14, 1929,

claimant filed supplemental application under the enlarged homestead act for all but 40 acres of the same land, together with his petition for its designation thereunder and a showing in support of the application, which was rejected by departmental decision of November 7, 1929, upon the ground that it showed Gabbey was at all times residing on the land embraced in his original homestead entry and had never established residence on any portion of the land applied for and that he was not entitled to the benefits of said act of June 6, 1924, the withdrawal of April 16, 1928, precluded the allowance of the application.

Senator NORBECK. Now, then, does that give any reason for the rejection of the homestead?

Mr. PICKETT. I think so.

Senator CAREY. I think that covers it, and I think Mr. Gabbey this morning read a paper here which gave the reason for the rejection of his homestead, didn't he?

Mr. PICKETT. Yes. The report of the Geological Survey that the land was not available was one, and that the land was withdrawn was the other reason.

Senator NORBECK. Yes; that the land was not suitable for grazing purposes.

Senator CAREY. Yes; that was read.

Senator NORBECK. I remember that very distinctly. It is a most illogical thing that a man can live in two places at one time, and if the Department has given that as the basis for rejecting a homestead, I want to know it. I am going after the Department.

Senator CAREY. I saw this statement this morning of the matter, a very clear statement, in which it said that it was not necessary—

Senator NORBECK. Yes; that part of Ickes' letter is in error.

Senator CAREY. I think it is absolutely in error.

Chairman NYE. Senator Carey, what was the statement that you referred to?

Senator CAREY. It was a regulation made by Mr. Tallman, who was the Commissioner of the General Land Office in 1918, and this was issued in 1925.

Chairman NYE. Has any amendment to that been issued after Clay Tallman's time?

Senator CAREY. I don't know. Every Commissioner may have issued additional orders, but there have been many other applications where the people have not lived on them.

Mr. PICKETT. Have you any information on that, Mr. Bandel?

Senator NORBECK. May I ask this man some questions?

Chairman NYE. Yes; certainly.

Senator NORBECK. How many reasons were given for the rejection of the homestead?

Mr. BANDEL. One was that it had been withdrawn after the Executive order of July 7, 1927.

Senator NORBECK. It was subsequent to the filing or prior to the filing, which?

Mr. BANDEL. Let me explain that the Executive order of 1927 did not include the Gabbey land.

Senator NORBECK. But prior to the withdrawal or subsequent?

Mr. BANDEL. The Gabbey filing was made in March 1927, I think, or anyway in the early spring of 1927, and the Executive order, the one that I mentioned, was made in July 1927.

Senator NORBECK. So the filing was prior to the withdrawal?

Mr. BANDEL. Yes, sir. Finally, there was another Executive order made on April 15, 1928, which did include the Gabbey land. However, still, as you see, the filing in both of the cases that were in question preceded the Executive order that included the Gabbey land.

Chairman NYE. I will ask you if this Executive order of 1928 was confined exclusively to the Gabbey land and one other entry?

Mr. BANDEL. I haven't read that order for a long time, but my recollection is that it included those lands and others. That is my recollection. I think that other order is here, and I think the record will show.

Chairman NYE. I think it is clear that it was a blanket order.

Senator ADAMS. Mr. Bandel, do you specialize in handling land matters?

Mr. BANDEL. No; I do not specialize in it, but I do include it in my general practice. Your country lawyer has to be a specialist in all lines.

Senator ADAMS. This is the point that I want to ask about. Is it customary where a withdrawal order has been made in this particular area, or in other areas, to go on and allow filings to be carried through within that area, or has it been the policy to set aside the entries which were covered by subsequent withdrawal orders if final proof had not been made and the patent had not been previously issued?

Mr. BANDEL. I could not tell you what the policy has been. My interpretation of the law is that there is a vested right there to your patent if you made the filing prior to the Executive order.

Senator ADAMS. You think there is a vested right in Government land based upon a filing prior to the issuance of the final receipt which could be enforced?

Mr. BANDEL. I think there is a vested right there, so far as the Executive order would be concerned, as against the Executive order, because the Executive order is made subject to all valid claims.

Senator NORBECK. I agree with the witness. This was a stock-raising homestead?

Mr. BANDEL. Yes, sir.

Senator NORBECK. Was that one of the reasons that it was fought?

Mr. BANDEL. One of the reasons it was rejected, I take it, was that it was unsuitable for stock raising.

Senator NORBECK. That gives you two reasons? There was the lack of residence and the unsuitability of the land——

Mr. BANDEL. Yes.

Senator NORBECK. Any more reasons? Do you know of any regulations that have been issued lately on that?

Mr. BANDEL. I am confident there has been no modification of them.

Senator CAREY. Senator Norbeck, I have the law.

Senator NORBECK. Yes; but the law permits later regulations to be issued.

Senator CAREY. This is the regulation, as I have said previously, issued in 1925 by Mr. Tallman.

Senator NORBECK. Yes; but I wonder if any regulations have been issued since then. Do you know, Mr. Bandel, the particular filing took place in what year?

Mr. BANDEL. In 1927.

Senator NORBECK. That is 2 years after the law that Senator Carey has there, and there might have been other legislation or other regulations in the meantime.

Mr. BANDEL. Pardon me, Senator, but we tried to investigate that as far as we could, and we found no further regulations.

Senator NORBECK. Well, it is an illogical thing to ask a man to live in two places at the same time.

Mr. BANDEL. It is, indeed.

Senator NORBECK. It may be that he has no right to file on the additional land.

Senator ADAMS. Were the necessary improvements made to comply with the statute?

Mr. BANDEL. It was not necessary at that time to make any improvements prior to the designation as stock raising.

Senator ADAMS. I was simply following the reading of this pamphlet that Senator Carey has, which states that improvements must be on the supplemental homestead similar to the improvements required on the original homestead.

Mr. BANDEL. I agree with that, Senator, but if you will read the entire circular you will discover that these improvements must be completed before the time you make your final proof and not at the time you make your filing. In other words, you wouldn't have to make any improvements at the time you went on the land.

Senator ADAMS. The situation here was that it was not a rejection of the application for patent, but this was a rejection of the filing?

Mr. BANDEL. Yes.

Senator NORBECK. And one point that was raised by the Department, the way I construe that decision, was that he had not lived on that land?

Mr. BANDEL. The rejection was made because there was no residence established upon the additional homestead.

Senator NORBECK. And also that the land was classified by the inspector as not stock-raising ground.

Senator CAREY. I have got a circular here, addressed to registers and receivers of the United States land offices, and on page 5, part of paragraph 7 reads as follows:

As to residence, this must be continued for 3 years, subject to the privilege of a 5 months' absence in each year, divisible into 2 periods, if desired, but credit on the residence period on account of military service during time of war will be allowed as on other homestead entries; where an entry has been made, additional to a pending entry, or to a perfected entry for a tract, still owned by the claimant, the residence may be had on either of the tracts involved for 3 years after the additional is allowed, or becomes allowable. In other cases such residence must be on the land additionally entered.

And so forth.

Mr. PICKETT. Mr. Bandel, they did not completely abandon their claim that this was not a stock-raising entry, did they, in the decision?

Mr. BANDEL. No; they have never abandoned any of the reasons, you might say, except that each time we filed a motion for rehearing and tried to meet the conditions that they made and tried to comply with their further requirements, then, after the brief had been submitted, some further objection would be raised in the decision.

Mr. PICKETT. Did you brief the matter and submit it to the General Land Office?

Mr. BANDEL. I did, and to the Department of the Interior.

Mr. PICKETT. How many briefs?

Mr. BANDEL. Oh, three or four, I would say offhand, now. I haven't counted them recently.

Mr. PICKETT. These are, so far as you know, on file in the records of the General Land Office.

Mr. BANDEL. In the General Land Office and the Department of the Interior.

Senator ADAMS. No argument or personal appearance was asked for?

Mr. BANDEL. No, sir.

Mr. PICKETT. I have nothing further.

Senator NORBECK. This leaves us to the point where we have to find out where we are at. We do not seem to know what the laws or Land Office Regulations are, and, until we do, we cannot condemn Secretary Ickes for his letter.

Mr. PICKETT. Of course, you understand this was in 1927, and the regulation then would apply.

Chairman NYE. As I understand it, this letter of Secretary Ickes is practically the same letter that was addressed to the chairman of the Public Lands Committee by the retiring Secretary of the Interior?

Mr. PICKETT. I think so.

Chairman NYE. So that two Secretaries had made the same ruling on the same point?

Mr. PICKETT. I think so.

Senator NORBECK. And they both ruled that it required two residences on the land?

Mr. PICKETT. I think so.

Chairman NYE. I think that is all, Mr. Bandel, thank you.

Mr. PICKETT. Apparently Mr. Whiteman has not been able to get down here yet, but I want to read one paragraph of a letter in connection with his property.

Chairman NYE. All right.

Mr. PICKETT. This is a letter taken from file 610-01, part 10, a letter from Harold P. Fabian to Mr. Horace M. Albright. The paragraphs that I think have any bearing on this particular matter of Mr. Whiteman are as follows—

However, even if and when we get this 11 acres from Fessler and Williams, we will still have the rest of the Whiteman property which the owner is perfectly willing to sell out in small pieces near the road junction. From the foregoing, you will see that it is just as important today as it was last July that this road program should not go ahead as contemplated. I am surprised to have you write me that the State and local interests are pushing the district forester for action. Weston advised me quite to the contrary with regard to the State and local interests. And I have also been so advised by others that no one there was paying any attention to it. I think inquiry will show that what agitation there may be is coming from a man named Curwin, the local representative of the Bureau of Roads, in Jackson. He has always been outspoken and active in his determination to have this road completed according to the plans of last summer with as much dispatch as possible.

Senator NORBECK. Why don't you put the whole letter in the record and let us have the whole thing?

Mr. PICKETT. I intended to introduce the letter. This is exhibit 51.

Chairman NYE. It may be included in the record.

(Whereupon, the document marked as exhibit 51 was received in evidence, and is in words and figures as follows:)

EXHIBIT No. 51

JANUARY 21, 1930.

MR. HORACE M. ALBRIGHT,

*Director National Park Service, Department of Interior Building,
Washington, D.C.*

DEAR HORACE: This will answer your letter of the 14th instant in which you refer to my visit to Washington July 24, with Mr. Chorley, and our conference concerning the Moran-Elk section of the Wind River road.

As I think you have been advised, the negotiations for purchasing the lands in the north end of the company's project (along the road in question), have been entirely in the charge of Mr. Miller. So far as I have been advised, he has met with no success whatever to date in purchasing these properties. I have made some progress myself, however, with respect to the 11-acre piece which Fessler and Williams bought from Whiteman near the site of the proposed junction. I have been holding Mr. Fessler here in Salt Lake for the past 10 days, hoping to have a contract concluded for him with the Teton Lodge Co., for operating the store at Moran and on the Richards property near Jenny Lake. As a condition to securing this contract for him, I require that he and Williams sell this 11-acre plot at the price they paid for it and also assign to us any forest rights they may have, and an option they have to purchase additional ground from Whiteman. Williams (who is half owner in the ground with Fessler and was to be a partner in the housekeeping and camp ground) wanted the boat concession from the Teton Lodge Co.

The Teton Lodge Co., Fessler, and Williams have all agreed to what I have asked, the details have been worked out and the contracts and deeds drawn. Everything, however, is being held up pending your final decision on the transportation franchise. Fessler had to leave yesterday evening to attend a fur sale in Seattle. He said he could not wait another day longer, so nothing has been actually signed, and the parties have now scattered.

However, even if and when we get this 11 acres from Fessler and Williams, we still have the rest of the Whiteman property which the owner is perfectly willing to sell out in small pieces near the road junction.

From the foregoing, you will see that it is just as important today as it was last July that this road program should not go ahead as contemplated. I am surprised to have you write me that the State and local interests are pushing the district forester for action. Weston advised me quite to the contrary with regard to the State and local interests. And I have also been so advised by others that no one there was paying any attention to it. I think inquiry will show that what agitation there may be is coming from a man named Curwin, the local representative of the Bureau of Roads in Jackson. He has always been out-spoken and active in his determination to have this road completed according to the plans of last summer with as much dispatch as possible.

I will take this up with Mr. Weston when he returns here next week and see if we cannot get some active assistance from the State authorities.

Very truly yours,

(Signed) HAROLD P. FABIAN.

Chairman NYE. Who is your next witness?

Mr. PICKETT. This concludes that type of evidence.

Senator NORBECK. Who is Whiteman?

Mr. PICKETT. I think probably we can get that from Mr. Winger. This concludes the type of evidence that was just finished, and Mr. Winger has asked that he be permitted now to state his side of the story.

TESTIMONY OF RICHARD WINGER—Resumed

Mr. WINGER. Now, if you will permit me just to touch briefly on the past witnesses, I just want—

Chairman NYE. In order to make the record complete at this point, can you respond to Senator Norbeck's question as to who Mr. Whiteman is?

Mr. WINGER. Mr. Whiteman is a resident of Moran who owned a tract of approximately 160 acres there, from which he had sold some small parcels, including an 11-acre parcel to Fessler and Williams, and

an 8-acre parcel to a man named Webb, and an acre and a half parcel to a Mrs. Kromish.

Chairman NYE. Very well, you may proceed.

Senator NORBECK. Was this a road that was coming right by the place that he was occupying?

Mr. WINGER. Senator, I don't know anything about that road business. I don't know where that was to be.

Senator NORBECK. Is he still in possession of that property or has he sold out and moved?

Mr. WINGER. He sold out and has a lease from us for his home there for 10 years.

Senator NORBECK. He is not operating in any other place?

Mr. WINGER. No, sir. He has also a lease from us on his meadow lands, and he operates a small bunch of cattle, and we allow him to put up the hay there.

Senator NORBECK. Very well.

Mr. WINGER. I just want to touch briefly on these witnesses, but I do not want to make any particular contention one way or the other. The Sillson matter. I think, is largely a matter of misunderstanding on the part of Mr. Stillson. I would like to say that when I was employed by the Snake River Land Co., after accepting that employment, I was with the officials of the company at a conference at Mr. Miller's home, where we went over various parcels of land in the valley. At that conference they asked me if I knew Mr. Stillson, and what I should be willing to go and purchase his land for. The schedule at that time, as I remember, was \$25 an acre. I understood them to say, "Well, call on him tomorrow and see if you can purchase it." That evening, after our conference, they went over to the house with me, and at that time I persuaded them to raise that schedule to \$30. Now, it is my recollection that the next day I called on Mr. Stillson. There was no formal conference, but we talked in my car. That may have been held before I was an authorized representative of the company, and I may be mistaken about it being the next day that I called on him. I talked to him first at the ranch of J. L. Eynon, his father-in-law. As to the methods I used, I do not remember—I got there, and I was a real estate man and had been in real estate, and I wanted to dicker for real estate, and it does not seem possible that I would go there to use any unfair methods on Billy Stillson, because he has been a friend of mine for a good many years—in fact, years before, as justice of the peace. I married Billy Stillson and his wife, and his father-in-law was, and is today, I expect, the best friend I have got in the country. His father-in-law was present during all of our conference when we made the deal for the property that afternoon. As I remember it, he was to meet me at Moran that evening. I had no authority to close a deal of any kind then, as I had only been in the employ of the company 1 day. He was to meet me at Moran that evening to close the deal, and Mr. Fabian was then stopping at Moran, and he met me there and Mr. Fabian drew all the papers. So far as I know, I had never heard of any complaint until then. So far as I know, we have always been friends. That is all in that case.

Now, as to Chambers. I guess the Chambers case is largely a matter of difference of opinion as to the value of his property. We had several conferences—he mentions two, and I remember several

conferences with him in regard to his property. I think he said I didn't use any unfair means, although I am not sure just what he said there, but I do remember that the last time that he talked to me before the time he mentions, when I told him that the price was reduced, was in my own home. At that time I was willing to pay him \$25 and he wanted \$30, but I couldn't pay that as the schedule was \$25, and it so happened in this particular case there was considerable discussion as to the value of this property. I had used my influence for some time to maintain that value at \$25, but it was subsequently cut 50 percent. The coincidence of it was that the cut was made the day before I saw Mr. Chambers. We had not talked about the matter for some time, but the day after the cut was made he spoke to me in front of the Community Market, or in my car, and he said, "I have decided to accept the 25", and I said, "You would do that"—thinking of the coincidence—and I said, "Just yesterday, Mr. Chambers, the price on your place was reduced and I am unable to pay you more than 50 percent." He did make one misstatement, but I think it was inadvertently stated, as I don't think he intended to make that statement, when he said the buildings on the Eynon property were destroyed. They have never been destroyed, at least not until 3 or 4 days ago, when they were standing.

As to Mr. Topping, I do not think there is any question about his testimony. He said we had been friends before and after any conference with him about the matter and I did not use any unfair means at all. I want to state that Mr. Topping has a splendid little place up there, and when this purchasing first started there was a little improvement on it, and the schedules were set at a certain figure, but evidently no effort was made to purchase it at that time, and Mr. Topping is a hustler and he was putting on improvements all the time, so I afterwards had the schedule increased, I think, two times, but I never could get the schedule increased as fast as Topping was putting on improvements, so we never got together.

Now, this Ed K. Smith, or Roan Horse Smith, as he is known, I would like to state just what my policy has been in purchasing these lands. Wherever anyone indicated to me that they wanted to continue to dicker, I want to say that I dickered with them just as long as they wanted to dicker. When anyone indicated to me finally that they did not want to sell their property, I never disturbed them again.

Senator ADAMS. The evidence that has been adduced here would quite clearly indicate, or so I might observe, that seemingly a large proportion of those who refused to dicker and who, as some of them expressed it, "would not sell by a damn sight" invariably came back sometime later and wanted to sell.

Mr. WINGER. I think that has been the case in a good many instances. There are some instances where they did not come back, and I think they were really honest in their contention that they did not want to sell. We respected that opinion, and we have not tried to force anybody to sell.

As to this Roan Horse Smith's property, however, I think these men very clearly indicated to me that they did want to dicker, and I dickered with them. I think, probably over a period of a year or maybe 2 years. Now, Mr. Smith stated that they put a price of \$25,000 on this property, but I do not remember that I ever heard of that price. The only price that he ever submitted to me, or that

was submitted to me for the Roan Horse Smith property, was first submitted to me by Henry Stewart of the JY Ranch, who told me about it. I had not conferred with the Smiths. I do not recall that I had ever conferred with them in advance, although it is possible that I had, but I doubt it, as it was along in the very first of my employment with the Snake River Land Co. Mr. Stewart had a price which they had figured up, and that price was something over \$29,000, as I remember it. They had listed 160 acres of land at so much, and putting up so much hay, so many hundred dollars, and irrigation ditch, so many hundred dollars, and so forth, but, of course we didn't consider that price. But, as I say, I continued to dicker with them, and I called on them at different times, and shortly before I bought, my wife and I called there. Everything was apparently friendly at the time, and I had no intimation of any unfriendliness, and at that time we were invited to stay for dinner, and they cooked us a nice dinner, and we sat and talked about the point that he brought up here, about the condemnation of the land. I think the brother, Louis R. Smith, is the one who was animated by the fact that the land might be condemned. I am sorry that the brother did not appear here, but I am a little flattered that the brother accepted my opinion as to the condemnation proceedings in preference to the opinion of this New York lawyer. But, nevertheless, Mr. Smith said that he eventually sold for \$21,500, but the actual figures that he sold for was \$21,600. I think that the reason for the delay in the purchase of his land was probably because of his desire to get all that he could possibly get, rather than his fear of anything.

Now, I have two letters to me from Mr. Fabian, and, if you don't mind, I would like to read them. On November 27 Mr. Fabian wrote me as follows [reading]:

EXHIBIT No. 52

FABIAN & CLENDENIN,
WALKER BANK BUILDING,
Salt Lake City, Utah, November 27, 1929.

MR. RICHARD WINGER,
Jackson, Wyo.

DEAR MR. WINGER: Just back from San Francisco and at the desk once again. Today I had a telephone call from a local attorney, M. E. Wilson, whom I know well and who is entirely dependable and of high professional standing. He tells me that a brother of Roan Horse Smith talked to him recently about some property near Jenny Lake and of the confusion in their minds as to what should be done about selling it. They apparently want to sell, but they seem to be afraid that they will not get the maximum price that the company will be willing to pay. Wilson told them that he felt certain he could get the entire situation clearly from me and has volunteered to assist both the Smiths and ourselves in bringing us together. Wilson seems to feel certain that they will sell when he can assure them that the price offered is all they can get, and that they will get it all. Wilson is asking no compensation for himself but tells me he simply saw an opportunity to do a good turn for friends of his on both sides with a little effort on his part.

Wilson is very straightforward and effective and I am inclined to believe we can make the purchase through him without much difficulty, but of course I will do nothing without first conferring with you and being sure that it will not interfere with any of your plans.

Have you any objection to my telling Wilson to go ahead and see what he can do? Pending a reply from you, I simply have told him to get the initials of the Smiths and the description of their property (he was not exactly sure of this) so that I could be certain of the property we were talking about. It is possible that I am wrong in guessing that Wilson is referring to the Roan Horse Smith

piece, so you had better give me your final figures on the other Smith properties at Jenny Lake as well as on the Roan Horse Smith place, in case I am mistaken.

I note on your new schedules that you have a maximum figure of \$21,600 for the Roan Horse Smith place, on the basis of \$135 an acre. Do you think we should fairly offer him that price or can we in fairness make him a lower offer? In any event, whatever price I offer Wilson must be the final one and under no circumstances must we thereafter offer any more in case our offer through Wilson is not accepted. Wilson will absolutely rely on my statement that whatever offer we make is the maximum which the Smiths can get and my word to him must be kept. Wilson tells me that the Smiths report a banker in Jackson offered them a price which they considered entirely too low and then subsequently made a big advance in the price to \$22,000 from which they have inferred that the difference was to have been a profit to someone and that they are still suspicious that there is a profit above even the \$22,000 offer which they do not want anyone else to make on them. I do not know how a \$22,000 offer could be made because Miller has not been authorized to pay that figure. However, that is the story as it comes to me.

With your concurrence, I will make them an offer through Wilson on the price that you determine we should pay within the new schedule limits, but with the understanding that they will never be offered more.

I assume there are a number of letters from you in the pile of correspondence on my desk which I have not yet had time to go through. I will get to them as quickly as I can.

With best regards to you and Mrs. Winger.

Yours very truly,

(Signed) HAROLD P. FABIAN.

On December 5, 1929, Mr. Fabian wrote me another letter [reading]:

EXHIBIT No. 53

FABIAN & CLENDENIN,
CONTINENTAL BANK BUILDING,
Salt Lake City, Utah, December 5, 1929.

MR. RICHARD WINGER,
Jackson, Wyo.

DEAR MR. WINGER: I have just had an interesting conversation with the brother of Roan Horse Smith. He came to see me at the instance of Mr. Malin E. Wilson, of whom I have already written you.

I told Mr. Smith very definitely and directly the purpose of our undertaking and I am sure he understands it fully and believes what I told him. Mr. Smith told me frankly that his brothers wanted to be sure that they are getting all that they can hope to get for their property and that all of the money which the company will pay will be received by them. As you told me to do, I told Mr. Smith that we would pay \$135 an acre; that that was all we would ever pay and that his brothers would receive the entire amount. This also seemed to satisfy him.

I further told him that I preferred to have his brothers deal with you and that they could go to you in confidence on the foregoing basis. So I assume you will hear from them in a short time, at least I hope so.

Very truly yours,

(Signed) HAROLD P. FABIAN.

I would like to offer this information here, that this was not one of the brothers who was on the ranch up here, but this was a brother who was residing in Salt Lake City. Just a few days after that they approached me and said they were ready to sell.

Now, I might add there that these brothers requested the privilege of remaining on the place for a year, and that privilege was granted them with the understanding that the taxes for that year were to be paid by them. They remained there but the taxes have not been paid.

Senator ASHURST. Was the title held in common?

Mr. WINGER. I think probably Mr. Smith has just more or less forgotten the details of the whole thing. He testified that he held it and that his brother could not sell without him. I think probably

he had forgotten how it stood. The title was held in both of them, and they each deeded a one half interest by warranty deed.

Senator ASHURST. From whom did they acquire it?

Mr. WINGER. Roan Horse Smith, or Ed. Smith, acquired it by homestead, I believe, and deeded a one half interest to his brother.

Senator ASHURST. Did the status of the title require a conveyance by each?

Mr. WINGER. No, sir; each of them deeded a one half interest.

Senator ADAMS. So that would have been an undivided one half interest?

Mr. WINGER. Yes. Now, as to Mr. Kent. I am not so very clear on Mr. Kent's testimony, because it really came so fast that I could not quite get it all, but my impression was that he said he had approached Mr. Fabian on the basis of \$75 an acre and had been turned down, and I believe that he testified that a Mr. Erickson had said that he thought he could get them a certain sum of money for this property. Mr. Erickson was going to see Mr. Fabian in Moran and make a proposition to him on Mr. Kent's relinquishment, but at that time——

Senator NORBECK. How much per acre, do you know?

Mr. WINGER. I do not recall the figure, Senator, but at that time we had had considerable difficulty from Erickson, as he had sold considerable property to us and then he would take the money received from that and buy additional property and sell to us. Mr. Fabian refused to consider any proposition from Mr. Erickson, I think. I believe there was one misstatement. I think Mr. Kent said that he had offered his property at \$4,800. I do not recall that. I recall his making an offer of the property for, it was either \$6,000 or \$60 per acre—it couldn't have been \$60 an acre, but the offer was \$6,000 or \$6,500, or something over what we had offered him. I had been instructed that they would not buy this property, but I think I wired to Salt Lake and got instructions on that and was again informed that they would not buy this property. Later I persuaded them to reinstate this property, and I think we eventually purchased it for around \$5,500, if I remember right. Now, I do not recall that I used any undue influence on Mr. Kent to secure this purchase. He sold the land to us for \$5,500, and, as far as the question whether it went into a park and his rights, I did not discuss that with him. I am not a lawyer and I had no business in discussing such a matter with him.

Chairman NYE. Mr. Winger, in all of these cases where they seemed to be complaints that you would not buy, is it not a fact that your purchase of that land would have been to your own selfish interest?

Mr. WINGER. How is that?

Chairman NYE. If you had bought this land, you would have enjoyed a commission that you did not receive?

Mr. WINGER. Yes. I was paid a commission on it and it was to my interest to buy the land if I could. As I said before, I was a real estate man and had been in the real estate business for a number of years, and I knew about dickering for real estate, and in some cases I dickered over a long period of time, and I certainly cannot remember all of the conversations that I had in my dickering. I hope that I tried to be fair in every case.

Senator ASHURST. For the purpose of the record. Everyone here knows what "dickering" means, but this record will be read by people

who do not. By "dickering" you mean the preliminary conversations, and offers and rejections of offers and all that leads up to a deal?

Mr. WINGER. Exactly, Senator. And, I might say that probably no community on earth is so peculiar in its dickering as this particular community. There was argument and bluffing both, and on both sides, and plenty of it. Every settler that I dickered with, as a rule, had the best place in the valley, and they had the front seat in the amphitheater, or the best view of the Tetons, or something of that kind. I bluffed with them and they bluffed with me, and they probably knew I was lying and I knew they were. It wouldn't necessarily be lying, but it was just simply—you know——

Senator ASHURST. Yes, we understand how those things are handled.

Mr. WINGER. Now, the next witness was Dr. Huff, and I have no comment to make on his testimony.

The next witness was Mr. Estes. That was the only thing that came as a complete surprise to me, and the thing that I regret more than anything else in this testimony. If I said any such thing as that, which I do not recall, it was a very unwise statement, and I should be very sorry for it, because it was in direct opposition to any instructions I had ever had from my company and my company would not permit it. I have no recollection of it. As Mr. Estes has testified, I never again called on him, because he gave me at that time very distinctly to understand that they were not interested in selling their property. I did, however, at a later date, call to their attention in a rather peculiar way that we would still be willing to buy their property at its value, and, if you will permit me, I would like to state how that was done, as I think it would have a tendency also to convince the committee that the intentions of the company were to be fair.

Chairman NYE. Let's have it, Mr. Winger.

Mr. WINGER. There had been no further dickering between Mr. Estes and myself that I recall. I do recall that I said at one time to Mr. Fabian that the schedule price on the Estes property, I thought, was a little low, and for the reason that they had such a small acreage, only 76 acres, and that that price would hardly cover the improvements. Nothing was done about that, and I do not recall that I ever talked to them about it, for the reason that I did not contemplate making any effort to purchase their property. However, one day, out of a clear sky, I received notice of a petition which, I supposed, was a condemnation, but I don't know, maybe not, but, anyway, they notified me through a petition to my company, addressed to me as agent, that they wished to obtain from us some land for a right-of-way for Mr. Estes. They had not spoken to me of it in advance, and I knew nothing of it until I received this petition. The petition called for a meeting at a certain date at the courthouse, where a meeting would be held. I made no comments to them about it. A little later, their attorney, Mr. Simpson, wrote me, and, if you do not mind, I will read his letter, which is as follows [reading]:

EXHIBIT No. 54

WORT BUILDING,
Jackson, Wyo., March 24, 1931.

In re: Application by petition of Buster Estes, for private road

RICHARD WINGER, Esq.,

Local Agent Snake River Land Co., Jackson, Wyo.

DEAR SIR: On February 21, 1931, I filed a petition in the above matter. I handed the same to Mr. Estes for service upon you personally. At the time you were in the East, hence no personal service was made on you or the Snake River Land Co., as Mr. Estes advised me that he had mailed the same to you in the East.

I fully realize that the service is defective, if objected to by your client. I would, of course, be compelled to obtain a more effective service of the petition, which of course I would proceed to do.

However, this is a matter of public interest, and I am asking you if your interests will voluntarily appear at the day set for the hearing, or will require me to proceed further in the matter?

Will you be so kind as to advise me in this respect.

Yours truly,

(Signed) WILLIAM L. SIMPSON.

Mr. WINGER. I immediately replied to Mr. Simpson and sent a copy of my letter to Mr. Estes direct. My reply reads as follows:

(Thereupon, exhibit no. 55 was marked for identification, and was read to the committee by the witness in words and figures as follows:)

EXHIBIT No. 55

JACKSON, WYO., March 25, 1931.

In re: Estes petition.

WM. L. SIMPSON, *Jackson, Wyo.*

DEAR SIR: Acknowledging receipt of your communication of March 24, it is my intent to accept service of your petition and notice, copy of which reached me by mail in Jackson, Wyo.

The Snake River Land Co., was not aware that their purchases in this neighborhood had isolated Mr. Estes with no provision for ingress or egress. While the Estes property is within the Snake River Land project and would be purchased by the company at its value, please understand that, so long as Mr. Estes does not care to sell his property, this company would not attempt to maintain any condition that would prevent Mr. Estes from the full enjoyment of his home.

Satisfactory arrangements for an easement for this road could have been made with me upon application at any time without cost to Mr. Estes.

I would be forced to object to any immediate action based on the description contained in the petition, not because of the location, but for the reason that the description is incorrect and incomplete.

Yours very truly,

Resident Agent Snake River Land Co.

Mr. WINGER. That is a carbon copy, the original of which Mr. Simpson probably has, or Mr. Estes.

Senator ADAMS. Mr. Winger, did you at any time convey the impression to any of these sellers that the Snake River Land Co. had the right to condemn their property?

Mr. WINGER. Absolutely not; and I am sure that in every case I explicitly stated that the Snake River Land Co. did not have that right.

Senator CAREY. Did you state that the National Park Service had that right?

Mr. WINGER. I never stated that the National Park Service had that right. I stated my conclusions as to whether they had that right, based upon an act of Congress, and I stated that many times long

before I was agent of the company. These are my friends and neighbors and we talked that over before and after I was agent, and I have no doubt this question arose even when I was making the purchases; and, if it did arise, I would stand with the same conclusion I had before I was agent.

Senator CAREY. You did advise people that if within a park that the park could condemn?

Mr. WINGER. I advised them of the copy of the law I had.

Senator CAREY. And then these people knew that if it went into the park then they could condemn the land?

Mr. WINGER. Some of them did, but few of them believed it.

Senator CAREY. Why didn't they believe it—you said you told them?

Mr. WINGER. You heard them testify on the stand that they did not believe it, and it did not have any effect on them.

Chairman NYE. All right, Mr. Winger, you may proceed.

Mr. WINGER. I skipped a page here and passed two witnesses. I want to touch on the Mrs. Brown evidence that was given here yesterday. I dealt for the 171.22 acres of land, which was the original homestead entry of Earl W. Harris through one Caesar Woods, son-in-law of Mrs. Harris, who acted as power of attorney. He had secured for me and placed in the Jackson State Bank, pending the clearing up of the title, a deed from Mrs. Harris to the entire acreage in this plot. I learned inadvertently that Mrs. Brown was dealing with the Robinson brothers for 1 acre of this ground.

Senator ADAMS. What do you mean by "inadvertently"?

Mr. WINGER. I will tell you how I learned that. I happened to be in the courthouse and the county clerk mentioned this matter to me, because I had requested from the county clerk just before that, I believe, an abstract on this property, and I think I made the statement probably that we were buying it and it was supposed to be that day that the deal was in progress. I went at once to Caesar Woods and told him what I heard. He was quite perturbed about that for the reason that he said Mrs. Brown was an old neighbor and he would hate to see her get into this conflict. I went back uptown and met Mrs. Brown just coming out of the Jackson State Bank. I stopped and called her to one side and said, "Mrs. Brown, I understand you are buying the Robinson property." She said, "No, that is not correct, I am buying the stock in the store." "Well," I said, "I wanted to tell her that we had a warranty deed in escrow for this property, and that there would probably be, before it was cleared up, a lawsuit to settle the claim between Mrs. Harris and the Robinson brothers, and that I was anxious that she not get involved there", and she said she was aware of that and did not intend to become involved. She said that the Robinson boys were giving her an agreement for a warranty deed, in which they agreed to furnish title within 60 days. I later found out this was true, I saw a carbon copy of the agreement for warranty deed in the county clerk's office, where it had been left. Mrs. Tanner had made the original and two carbons, one carbon had been left there—the original had not been left for filing, and the other carbon was never left, and the agreement was never made a matter of record in Teton County.

Senator ADAMS. Of course you were chargeable with knowledge of what Mrs. Brown's rights were, from two sources—it was obliga-

tory upon you to make inquiry as to title of anybody in possession, and, also, as to the copy of the unrecorded document so far as your company was concerned it was recorded.

Mr. WINGER. You understand that Mrs. Brown was not in possession of the property, and our deed was in the bank for this property when I discovered this agreement for a warranty deed.

Senator CAREY. You mean to say that Mrs. Brown had not dealt with the Robinsons when you bought the property?

Mr. WINGER. Our deed was in the bank, I don't know how long; it was there when she made this agreement, and I explained it to her.

Senator CAREY. And told her you had already bought the property?

Mr. WINGER. I told her we had a warranty deed in escrow.

Senator CAREY. To purchase this property—do you know whether she knew it?

Mr. WINGER. I do not think she did.

Senator CAREY. Did what?

Mr. WINGER. I do not think she purchased it.

Senator CAREY. She thought she purchased it.

Mr. WINGER. I do not think so; I will bring that out in my testimony.

Senator CAREY. All right, then; I will not interrupt.

Mr. WINGER. So I said to Mrs. Brown, "Then you have only bought the stock in the store?", and she said, "Yes, and did not intend to pay anything on the land until they furnished her a deed", and it is not clear in my mind if Mrs. Brown herself told me the amount of money she paid. She told me she was to pay \$1,500 at that time, but whether it was she who told me she only paid five or six hundred it is not clear in my mind, but I ascertained the fact that she had at that time paid something like five or six hundred dollars down.

Senator CAREY. You mean, the time you told her you had bought the property she had paid it then, or paid it afterward?

Mr. WINGER. This was on the stock contained in the store.

Senator CAREY. She bought the stock in the store, then?

Mr. WINGER. Yes.

Mr. PICKETT (continuing). Did she tell you she paid \$1,500 for the stock?

Mr. WINGER. No; she told me she was to pay down \$1,500 and the balance of \$1,500 when the deed was received. I think, also, that covered the stock and the fixtures in the store.

Mr. PICKETT. And the building?

Mr. WINGER. I am not clear as to whether she included the buildings in that or not, but I will bring that up later in the conversation. Then, she said "this stock will invoice about \$1,200, so I am perfectly safe." I said, "That is fine, this company will not disturb you, you will have plenty of opportunity to dispose of that stock." So this man Robinson left at that time, with whom she dealt, and has since been absent from the valley and, so far as I know, I do not know his whereabouts and never have known. He left completely, and I do not know whether anybody here knows his whereabouts. The argument, so far as I knew, was between Mr. Robinson and Mrs. Harris in the sale of that property. They completed their transaction with us, furnished an abstract showing clear title, there was nothing on the record except the patent and, as I recall, a transfer from Mr. Earl W. Harris to his wife, and we took over this property. I think that

it was fully a year later that I brought this subject up to Mrs. Brown. I stopped at the store at one time, she was in complete possession at that time, and had been for over a year, and I said "Mrs. Brown, how much more time will you require to dispose of this stock?" "Well", she said, "she had consulted an attorney and that she did not intend to leave until the courts moved her." I reported this to my company—nothing was done about it—in a conversation with Mr. Fabian, I believe. Nothing was done about it, and I think that it was fully a year after that, maybe not quite that long, that the subject was again brought up. I drove up the highway, and I did not stop there frequently—in fact, I very seldom stopped at this store—and this morning I found I was short of oil in the car and stopped to get some oil, and her employee, who had been with her from the time she had been there, a man by the name of Mike—I do not know his last name, and never have known—waited on me at the service station, and he said to me, "Mrs. Brown wants to bring this to a head; she does not know where she stands and she cannot get the Robinsons to do anything, and she would like to bring this to a head." I said "I will report that to the company." I did report that to the company and the next thing that was brought to my attention this same employee Mike stopped me on the streets of Jackson and asked me if I would stop in and see Mrs. Brown. I did so the same day. She said, "I have been served with a summons in a lawsuit"; I said, "I expected that you would be, but I did not know when it would be done."

Senator CAREY. You thought that would be a good way to bring it to a head?

Mr. WINGER. I suppose; I was not an attorney, and did not bring the law suit. I assumed that that would be done. Well, she said, "Mr. Winger, I do not think it is my fight"; I said, "I don't either, Mrs. Brown, I never did think it was your fight; I think if the Robinsons have a claim here they should be here to protect you on that claim." She said, "Well, I do not want to make this fight", she said, "what can I get out of it, and move?" I will go back in my testimony a little bit, I think to the year before. I had made some offer, in the sum of \$500—I think that was the year before—but I recall an offer to her, anyhow, for \$500, and she said, "What can I get out of it?"

Senator NORBECK. You offered her \$500 for her claim against the acre on two conditions; first, that she give up the business; and, second, that she remove her own buildings; was that it?

Mr. WINGER. No; not at that time, Senator, I think, if I recall.

Senator NORBECK. \$500 was for whatever claim she had against the acre of land?

Mr. WINGER. I think, as you bring it to my mind, that the \$500 was for whatever claim she had, but I think it was also stipulated that she must get a quitclaim from Robinson.

Senator NORBECK. In other words, it was before the deal was closed with the Robinsons?

Mr. WINGER. There never was a deal closed with the Robinsons.

Senator NORBECK. There never was a deal?

Mr. WINGER. There never was a deal; you see, Robinson left here.

Senator NORBECK. I thought you bought his land; am I mistaken over that?

Mr. WINGER. We bought the piece of land over which there was a dispute.

Senator NORBECK. The acre, or the larger tract?

Mr. WINGER. The larger tract, which contained the acre.

Senator CAREY. Who had title to that land?

Mr. WINGER. Elizabeth J. Harris.

Senator CAREY. You did not buy from Robinson at all?

Mr. WINGER. No; not at all.

Senator CAREY. Had Robinson sold this to Mrs. Harris, reserving an acre?

Mr. WINGER. No; Robinson was supposed to have purchased an acre from Mrs. Harris.

Senator CAREY. You testified she made first payment on the acre.

Mr. WINGER. Yes.

Senator CAREY. She was to have a deed from Robinson when Robinson got a deed—Robinson was to have a deed from Mrs. Harris?

Mr. WINGER. I believe that is the testimony.

Senator NORBECK. The testimony is that she was to pay \$3,000; that she did, in fact, pay \$1,500, and did not complete the payments.

Mr. WINGER. Yes; I believe it was that. I think the testimony was she had paid something in excess of fifteen hundred. I went back to tell you of the offer I had made. She said, "What can I get and have this dismissed?" I said, "Mrs. Brown, this matter is entirely now out of my hands; the suit has been started, and I have nothing to do with it." I am sure she had been there a year then since my offer of five hundred. "Well," she said, "she would like to find out what could be done about it," and I said I would be very glad to take it up for her with Mr. Fabian. I think Fabian was then in the valley, or was expected soon, because when I took it up with Fabian I took it up with him in the valley. I called on him at Elbo, and Mr. Fabian said that he would not have objected to the offer of five hundred the year before, but she had had the place for another year and he did not think they would give her anything at all. I said, "You would not object to her having the buildings?", and he said, "No, she can have all of them," but he stipulated she would have to do one thing and that was to sign a contract not to again enter into our territory, into business in our territory. I think that was probably brought about—as I said before, we have had considerable difficulty in several instances of people selling out and buying back in, and Mrs. Brown, as she testified, had sold to the Snake River Land Co. 320 acres for \$8,000 in 1928. She was again a little bit mixed in her testimony, Senator Carey; you asked her a question—I was not at that time in the employ of the Snake River Land Co., nor was I in partnership with Mrs. Harrison in real estate, and did not know of her transaction with Mrs. Brown.

Senator CAREY. You have never been a partner of Mrs. Harrison?

Mr. WINGER. Yes, I have; I did not say that, I said——

Senator CAREY. At the time she sold that?

Mr. WINGER. She testified yesterday she understood I was in partnership, but I was not in partnership at that time, not until later. I was not then in the employ of the Snake River Land Co. when her first property was sold. Later I was attempting to buy a piece of property on the highway, I think they called it "Chicken Inn," or something, that was on 140 acres, just between Rosa Brown's former

property and this Robinson store we are discussing now on the main highway, and Mrs. Brown was also, so I was informed by the lady with whom I was dealing—dealing for the property—and Mrs. Brown was there at that time. I was forced to do what I did, to pay what I considered a very heavy price for that property. I think, in view of these things, probably the reason for Mr. Fabian's request that a contract be signed, in which she agreed to not again enter our property and set up any business, was on that account. She objected to signing that, and I think the day we were to go down and fix up the papers she raised this objection. I know we talked some about it, and I told her I was sure we could not make a settlement without that signature, and it would be no use to go down unless she was willing to sign that particular contract. She finally decided she would sign it, and she went to Jackson with me in my car, where we met Mr. Spaulding, the contract was signed, and I took her back to the store at the Ferry.

Mr. PICKETT. Mr. Winger, had the Robinsons operated a store there previous to the time that Mrs. Brown went into that property?

Mr. WINGER. Oh, yes, sir.

Mr. PICKETT. For how long?

Mr. WINGER. Well, I would guess—I think it would be a guess of 3 or 4 years.

Mr. PICKETT. They built the buildings themselves?

Mr. WINGER. I think they did.

Mr. PICKETT. You are acquainted with them?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Did you know that they claimed the ownership of those buildings?

Mr. WINGER. Yes, sir.

Mr. PICKETT. You knew that before you dealt with the Snake River Land Co.?

Mr. WINGER. Yes, sir.

Mr. PICKETT. Did they tell you that they had purchased under an oral contract from Mrs. Harris, or had obtained only a receipt?

Mr. WINGER. Not at first, they did not tell me that.

Mr. PICKETT. Did they tell you that before you closed the deal with Harris?

Mr. WINGER. Yes, sir.

Mr. PICKETT. At the time you closed the deal with Harris you knew that the buildings belonged to the Robinsons, and that they claimed ownership of this particular small tract under an oral agreement, and had only a receipt for a small payment?

Mr. WINGER. Yes, sir.

Mr. PICKETT. And at the time you completed the deal with Harris you knew that Mrs. Brown had purchased from the Robinsons under the same circumstances?

Mr. WINGER. No, sir.

Mr. PICKETT. I mean, that she had purchased from them—you knew she purchased from the Robinsons before you closed the deal?

Mr. WINGER. No; she did not purchase the ground.

Mr. PICKETT. I mean, she entered into this agreement with them, whatever it was?

Mr. WINGER. Yes, sir.

Mr. PICKETT. You knew of that before you closed the deal with Harris?

Mr. WINGER. No, sir.

Senator CAREY. Why would it not have been possible to have brought a suit against her in justice court to get her off that plot?

Mr. WINGER. Senator Carey, I am not an attorney, I do not understand.

Senator CAREY. Of course I know that a corporation has a right to go to the United States court, but I think you could have tried that here locally.

Mr. WINGER. I think that probably you should ask someone else to testify on that point; I am not qualified.

Mr. PICKETT. Do you know whether or not there was any dispute between the Robinsons and the Harrises about this property?

Mr. WINGER. I intended to have brought that up; yes, sir.

Mr. PICKETT. What do you know about that?

Mr. WINGER. Well, I had heard considerable about that dispute. First, I want to give you the first connection I had with these people.

Senator ASHURST. What?

Mr. WINGER. The first connection I had, Senator, with these people. Mr. O. K. Robinson spoke to me one day on the highway near his store and asked me if I would purchase his buildings and his business, that he understood it was within our project, and said he would like to sell it to us. I replied that I would, that it was in our project. I asked him if he would—first, I asked him how much land he owned, and he told me "1 acre." I asked him if he would give me a statement as to the value he placed upon this property, and I could not get a statement from him. The only thing he replied to me was that he wanted a good price for it, that he thought Mr. Rockefeller was able to pay a good price, and that is all of the information I gained at that time.

Senator NORBECK. Is that from Robinson?

Mr. WINGER. O. K. Robinson; he informed me that the property was his.

Mr. PICKETT. Did he tell you then by what right he claimed it?

Mr. WINGER. No, sir; he told me he owned 1 acre.

Mr. PICKETT. And he was in possession then, and had been for some time?

Mr. WINGER. Yes, sir, he was; he was, yes, sir. I went to the courthouse, on my return to Jackson, to look up the status of this property, as I always did in every case where I began to deal for a piece of property, and I found absolutely nothing on the record to show that Robinson owned anything. So the next time, I don't know how long afterward, I went by there I stopped, and I talked with him again, and I said, "Mr. Robinson, I do not find any record of your ownership of this property." "Well", he said, "I have got a contract for a deed, it is with my papers in the Jackson State Bank, and I will let you see it", and he did not then explain anything to me about any controversy about it, and I said "that is perfectly all right."

Mr. PICKETT. Did he show it to you?

Mr. WINGER. No, he did not; and I asked him then if he was able to set a value on this property, and he again said that he was not but he thought Mr. Rockefeller ought to pay a good price for it. Later

I talked with him on another occasion, and I inquired again about his contract for a deed, and he said then it was really not a contract, that what he had was a receipt for \$5, that he had made an initial payment of \$5 on this 1 acre, and was to receive a deed when he paid the balance of \$45.

Mr. PICKETT. Did you see that receipt?

Mr. WINGER. No; I asked if I might see it. Then I said "does this receipt state that it is a part payment on an acre of land", and he was unable to tell me; he did not recall. I believe he again told me that this receipt was in the bank at Jackson, I am not sure but, at any rate, I did not then or ever, in fact, see this receipt. He commenced to tell me a little more at this time about the arguments and fuss with the Harrises. He seemed to think he had dealt with Mrs. Harris during her husband's absence—it seemed as though he had—that the property belonged to him. I was unable to get very much information from him, so I sought out Caesar Wood, son-in-law of Mrs. Harris, who lived here, to get information from him. He told me Robinson had no title and was never going to get a title, and he told me a good deal more about the argument and the fuss. So I told him we were anxious to buy this property but did not see how we were going to do it as long as they had this quarrel among themselves. He wrote to his mother-in-law in regard to this matter with the result that she—I do not know whether she did then or had before given him power of attorney—but, anyhow, she returned to him, this deed was returned and put in the bank. My recollection is not clear; that has been some time ago. They agreed to warrant the title and defend any action. However, we had not approved any title on this property, when I learned of Mrs. Brown's action in purchasing from them, and it was when I again went to see Caesar Wood, and he made this statement, that she was an old friend and he would hate to see her injured, or anything, so I went to see her and told her what the status of the thing was. At that time the status was that we had a warranty deed, and they had agreed to defend or extinguish this other claim about which the quarrel had been in progress for some years, and which I know of only through hearsay from both sides. It was then that Mrs. Brown told me that she knew about the condition of the title and had no intention of buying these lands, that she had bought the stock and the fixtures in the store, and that she was amply protected, that the stock would invoice \$1,200.

Mr. PICKETT. Did you believe that the stock would invoice that much?

Mr. WINGER. Did I believe it?

Mr. PICKETT. Yes.

Mr. WINGER. I really did not inquire into it. The store was part dwelling and part store, and I did not know what was in there, particularly—I had been in there. She afterward told me it did not invoice twelve hundred, but I have no knowledge of what it did invoice.

Mr. PICKETT. Was the offer of \$500 ever made to her?

Mr. WINGER. I think I did make that offer.

Mr. PICKETT. Did you pay her that when she moved out?

Mr. WINGER. No, sir, that offer was made, I think—she had used the property a year longer after that offer was made, and this whole proceeding was out of my hands, a suit had been started.

Mr. PICKETT. Who prepared this contract she signed?

Mr. WINGER. I believe that the contract was prepared in Fabian's office, but I am not certain about that. It was impossible at the time that this transaction was made to get Robinson, either to get together, or defend his title, or do anything else, because he left the country. He left ten years ago, and he is still gone. There is no question in my mind that if Robinson's claim was just he would have an action against Mrs. Harris.

Senator CAREY. He had sold his interest to Mrs. Brown; what did he care about an action against Mr. Harris?

Mr. WINGER. He did not sell to Mrs. Brown.

Senator CAREY. She testified that he sold it.

Mr. WINGER. He agreed to sell. She said she would not buy—she told me she would not buy this property until they furnished her a deed; he did not even stay and prosecute his claim.

Senator CAREY. She paid part of the money.

Mr. WINGER. That was for the stock and fixtures.

Senator CAREY. I mean, she testified to that.

Mr. WINGER. We did not take from her anything she bought. I will go further, and say this: On the day I talked to her, I do not recall whether it was the same day she came down to sign the contract, or whether it was at the time we discussed the terms.

Mr. PICKETT. You knew she had bought the buildings?

Mr. WINGER. She told me she had bought the buildings, and I said to her: "You mean you bought these buildings after the advice I have given you about the conflicting claims here?" and she said, "Yes; I did." I said, "How did you buy them?" and she said, "By bill of sale, and it is recorded." I said, "Do you happen to have that bill of sale?" and she said, "Yes; I have." I said, "Do you mind my seeing it?" and she said, "No." She got out a bundle of papers and searched them, and got this bill of sale and showed it to me. I read it, and I said, "This reads 'contents of the buildings only', not 'the building'", and she said, "That is an error on the part of the county clerk, and she should have had it read for the buildings."

Mr. PICKETT. You turned the buildings over to her, not to the Robinsons?

Mr. WINGER. Yes; but she told me, however, that she had bought the buildings. I said, "we will give you the buildings", and she said Ed. Robinson, a brother of O. K. Robinson, who had been there a long time, but I did not understand he had any connection with the business—she said she thought he ought to have something out of it, and I said, "why should he have something?", and she said, "he was in on these buildings quite a little time", and I said, "I thought you told me you paid him \$5 a day for his work here; you told me you bought them from him." That was dropped then, we did not take the buildings, or attempt to take them.

Mr. PICKETT. You have explained that end of the transaction fully.

Mr. WINGER. Unless there are questions you want to ask.

Chairman NYE. What is the next case you wanted to review?

Senator CAREY. I notice Mrs. Brown is in the audience, and evidently she does not agree with what Winger is saying. I think that either now or when he has finished she should be recalled.

Senator NORBECK. And then, if Winger does not agree, he should be recalled? I would like to suggest something now.

Senator CAREY. By her face she evidently does not agree with the story.

Senator NORBECK. I cannot read her face.

Chairman NYE. Let Mr. Winger finish.

Mr. WINGER. I would like to make this one remark. It was inferred it was our anxiety to get hold of this property in order to stop competition from another store at the Ferry Bridge. I can show you there was nothing in their minds at all, because they allowed her to stay there for 2 years when they could have caused trouble long before that. Nothing was said about that. I do not think their business was in quite the same class, anyway, or directly in competition with each other.

Chairman NYE. All right, Mr. Winger, proceed, please.

Mr. WINGER. Was there any other witness between there?

Mr. PICKETT. You said there was, I do not recall.

Mr. WINGER. Homer Richards—oh, yes, that was the Richards-Gabbey affair. Now, gentlemen, that seems to me probably a lot of misunderstanding.

Senator NORBECK. Try to hit the main spots on that and not drag it out. Your testimony is taking a lot of time and while very clear and illuminating, we are going over it the second time before the committee.

Senator CAREY. Did Gabbey accuse you of anything this morning.

Mr. WINGER. No, sir, our relations have been very friendly at all times, so far as I know. Mr Gabbey I consider in that class of persons who had no desire to sell, and as soon as I learned that I never went back and talked to him. I had one talk with him about the sale of his property—I am under the impression that he seems to be under another impression, that I called on him before. I do not want to argue that, however. I would like to read a letter I wrote to Mr. Fabian at that time.

(Thereupon, exhibit no. 56 was marked for identification, and read by the witness to the committee in words and figures following:)

EXHIBIT No. 56

JACKSON, WYO., October 4, 1929.

Re: Parcel 9-44-116, Homer Richards.

HAROLD P. FABIAN,

803-7 Continental Bank Building, Salt Lake City, Utah.

DEAR MR. FABIAN: Attached find copies of warranty deed, quitclaim deed, and bill of sale covering the property of Homer C. Richards, which I have purchased, together with all improvements, for \$25,000. The originals of these papers, properly signed, together with relinquishment covering his pending entry and receipt for purchase price are now in escrow in Jackson State Bank. Will you please forward check for \$25,000, payable to Jackson State Bank, to be placed in escrow pending approval of abstract, etc.?

This deal is complicated slightly by a lease to Mr. Gabby (Jenny Lake post office), which lease expires early next spring. I have explained to Mr. Gabby that he must look to Mr. Richards for any compensation for loss of his building, and I have explained to Mr. Richards that we were making no reservation in the improvements. However, I hope to find some satisfactory plan for moving Mr. Gabby in the near future without putting the Snake River Land Co. in a position of taking advantage of him.

Yours very truly,

Mr. WINGER. It was for that purpose I called upon Gabbey again. He then had a pending entry of 126 acres. I called upon him and asked him if he wanted to sell, and he said he had nothing to sell. I told him we would be able to buy his relinquishment; he said he did not want to sell; he said that he had applied for other land, making a total of 363, I believe, acres, and some one, if he got out of it, was to pay him \$100 an acre for this land. He said something about his store. So I made Mr. Gabbey this offer that I would pay him 15 thousand dollars, and he get out, and let him out of the whole transaction. The point was that that was approximately \$100 an acre for the land upon which he had a claim, and he pointed this out to me himself,—“I know what you are doing; you are offering me \$100 an acre for my land, and \$3,000 for my store.” I said, “I would not be permitted to buy your store, that is on our property; I will give you 15 thousand dollars and let you out.” He then, as he stated, said, “if he was bought out they would pay him \$100 an acre for the land which he had applied for, and that is the only way we would get it.” I think it came to 38 thousand, or something, I forget what it was. That is the point of misunderstanding, because I am sure I did not tell him he would not get his patent, because I had no knowledge of it, but I meant he would not get that price from the company.

Senator ASHURST. You said “it.”

Mr. WINGER. I could not buy from Gabbey and buy something he had not been allowed by the Government.

Senator ASHURST. By “it”, you mean the price, and not the title?

Mr. WINGER. Yes, that is it, the price; I think that is all of the reference I have to make to that.

Chairman NYE. Are there any questions the committee wishes to propound? If not, you may be excused, Thank you, Mr. Winger. (Witness excused.)

Chairman NYE. Mrs. Brown, do you wish to be heard in rebuttal?

Mrs. BROWN. If you please.

Chairman NYE. Come forward.

TESTIMONY OF MRS. ROSA BROWN—Resumed

Chairman NYE. Mrs. Brown, you understand, of course, that the committee is striving hard to finish its task today.

Mrs. BROWN. I certainly do.

Chairman NYE. We do not want to hurry you, but we hope you will get directly to the point.

Mrs. BROWN. I would have tried yesterday, but when I hear Mr. Winger come up and make such statements I wish to respond to them. In the first place, when I came down to put this deal through with the Robinson boys I positively did not see Mr. Winger, and I never seen him for over a year after that. When he heard that I had been down and bought this business he probably went over to Caesar Wood, the son-in-law of Mrs. Harris, and told him what I had been doing. He, in turn, went over to a friend of mine, that I am in the habit of staying with when I am in town, but I had gone. I was working at the time for Mr. Sulemier and Ed. Robinson, and I drove down here in the morning from Sulemier's place. We went directly to the court house and put this deal through. Mrs. Tanner was the county clerk, Mrs. Frank Tanner. As soon as we had fixed up the

bill of sale—I have the bill of sale right here with me, I had it here yesterday—we fixed that up and we went over to the bank. I went home then. No, I had the money before I went down, I borrowed \$500 from John Barber before I ever came down to make this deal. I went over to the bank and I wrote Ed. Robinson out a check for \$650 right there, because he had a note of \$400 that he had to take up with the bank, that he had borrowed from Harry Harrison, and he had to pay that day. I paid that to him, and he went and got the team and we drove right back to Sulemier's that very night. I heard in due time, probably within a few days—a friend of mine wrote to me and thought perhaps I had gotten in bad, and I assured this friend that I did not know that I had gotten in too bad, because I had not paid for the land, I had only paid for the buildings and the fixtures. As I told you yesterday, as this bill of sale will show you, that there was an error just in the comma that did not give me those buildings, and that is that. I should have had the buildings, and I fully believe, that Mrs. Tanner, if she appears, understood that I was to pay for the buildings and all of the furniture in the cabin and the stock in my first payment. Well, I used all of the money that I had to pay Mr. Robinson at that time, and I think I have the dates down here. I think in April then I went back to Mr. Barber and borrowed \$500 more, and, as I say, I then paid Mr. Robinson March 17, 1930, or Ed. Robinson, cash \$650; that is the day the deal was made.

Senator CARY. Is that the bill of sale?

Mrs. BROWN. My bill of sale is not here.

Senator CAREY. Was that bill of sale on record before the deed was issued to the Snake River Land Co. for the land?

Mrs. BROWN. Well, I left this to be recorded, but Mrs. Tanner did not record it until later on, but it should have been recorded right that very day, only she did not get around to it, and I wrote her twice before she finally recorded that and sent it to me, but it was left there that day to be recorded.

Senator CAREY. Winger, I believe, stated that he advised you, before you bought this property—

Mrs. BROWN. He never seen me, as God is my witness; he never seen me, he knows he did not, he knows he did not. On March 17 was the day that I paid the \$650. On March 19, 1930, I paid him \$200 more. On April 3, 1930, I paid him \$36.27, which was on a partial, a smaller item, it was cash, or I let him have the cash, in other words, and another time \$15. I do not have the exact date of these, but I have the checks that I can produce any time I need to. Another time I paid him another \$100 in spot cash. There is the sum of the cash items that I paid Mr. Robinson.

Mr. PICKETT. What is the total?

Mrs. BROWN. Well, I did not total that up, it is a little over a thousand dollars. And then, as I say, as bills came in against that property, there is a bill I paid to the Laurel Auto Supply Co. \$249.86; John Rich, which was a woolen man from Philadelphia, Pa., \$108.25; C. E. Martin was the punch-board man, that they had not paid him for the money they derived from the punch board, \$58.45; Becker Products Co. \$11. I have the dates of these—October 21 was the Becker Products. I haven't the dates of these others, but, as I say, I have the checks to show for them. W.W.C., of Pocatello, \$32; taxes, their last payment—Robinson did not ask me to pay this, but

I found the papers in the store—\$13.11; Mr. Gabbey, for salt that the boys had bought from him, \$89.50; Driggs Milling Co. for flour, \$75.50. There is the amounts that I paid over in cash for that store when I bought it.

I took down a few little notes here. In the first place I never seen Winger for a year after that, before I ever saw him and had any talk with him, whatever. And, as I told you, Robinson and I made the deal and went back to Sulemier's ranch—I do not know how far it is, but I imagine it must be close to 14 or 15 miles for the round trip back and forth. There was some mention, that he said yesterday, that he was with the land company—not at that time, not at this time.

Senator CAREY. You mean at the time you bought your property?

Mrs. BROWN. Yes; at the time I bought the property.

Senator CAREY. You mean he was not with the Snake River Land Co.? Aren't you mistaken in that?

Mrs. BROWN. Yes, I am mistaken in that; I did not make that quite clear. That was a little later on, I think, when he came for me to come down here to sign up that agreement. I came down here to sign up that agreement that I would move off the place; that is all I knew about it. He did not acquaint me with what this contract was at all; it was never mentioned; I never knew what was in that contract until I came down here and Mr. Spaulding put it before me to read before I signed it.

Senator CAREY. But you did not read it?

Mrs. BROWN. I read it, yes, sir; but, as I said, it was quite a little item, and I handed that to other people, who are better able to remember what was in it than I was, really, and I did not get the full extent of it at once, and they did not.

Senator CAREY. Were you slightly excited?

Mrs. BROWN. Yes, I was hurt when I saw I could not get any business within this area, that I had to sign it up or fight that suit in Cheyenne. I was hurt, because I want to make my living, and I wanted to be in something that will give me something to do. That is why I bought that place, and I told Mr. Winger I bought this for a home, and not for speculation, and I did. When it came to the first deal with the Robinson boys, as I understood O.K. he told me that Mrs. Harrison was the one that came to him and asked him about selling, and he gave his price at five thousand. I could go into quite a story, if I wanted to, but I will leave that. He said Ode had been out of the country—did I understand him to say 10 years?

Senator CAREY. Yes.

Mrs. BROWN. Yes, he has been out since about March 15 or 16, 1930; that is when he left here.

Senator CAREY. It is a long 10 years.

Mrs. BROWN. It is a pretty long 10 years. And when it comes to Winger saying that he advised me in this matter before I ever came down here, he, nor anybody else, had a word with me that day with the exception of Mrs. Tanner, the county clerk, and Mr. Robinson. I did not talk to another soul. We went right into the court house and did business there and went back up. As far as him advising me, he did not advise me anything at all, nothing whatever. And when I heard that Caesar Wood wanted to see me—mind you, we came

down in a sleigh, there was snow on the ground—as soon as I could get down in the car I went to Caesar Wood and I said, “I came down to see what you knew about this deal.” He said, “I know a lot.” All that I got out of him was—that was practically what his wife told me, the daughter of Mrs. Harris, that owned that land up there—she said, “Mother would have given the boys a deed to the 8-rod front, but she has found out now she does not have to do it, and she is not going to.” I said, “Do you suppose your mother would sell the place to me?” and she said, “I don’t know; she says she wants to get as much money out of it as she can.”

When it came to the price I did consider Mr. Ed. Robinson. When he made me the price of \$500 for the buildings I did say, and I feel that way today, that Ed. Robinson should have got a little something out of that business. He had a little home here in Jackson, he mortgaged it and put every cent he has got—I could tell you the man he mortgaged it to, but he put every dollar he got out of it into the business up there. Ode Robinson runs the grocery business because Ed. does not want to stay in the store. The both of them sunk every cent they had in that place. I don’t know how long; I am not quite sure when Mrs. Harris told them to move off in the first place, but it was after they had built and had an offer for this place, and Ode told me that he told her “When you pay for the improvements I put on this place I will move off, and not before.” He continued building and was never molested until this spring that I bought. He was allowed to go on, and they did more building and conducted their business. I do not know the exact year that they bought that place, but it was something like about 1925 or 1926, when they bought it, and they lived on there and conducted the business up until 1930, when I purchased it.

Chairman NYE. Does that cover the matter pretty well, Mrs. Brown?

Mrs. BROWN. Well, yes; it does. I would have called Mr. Winger down on almost everything he said if I had been allowed to, but I couldn’t keep it all in mind so I tried to make a note of it. I want to be truthful about it.

Chairman NYE. We simply desire to have your view of this thoroughly understood. I want to ask you what there was about this bill of sale where only the leaving out of a comma changed the meaning and purpose of the bill.

Mrs. BROWN. Right here [indicating]. Just read what it says. It says “all of the stock, store fixtures”, when it should have been “store and fixtures”, that is what it should have been.

Senator ADAMS. Would it have included the cabins?

Mrs. BROWN. It would include the fixtures, including the counter and shelves.

Chairman NYE. Would that have included the cabins?

Mrs. BROWN. It don’t say so. They only had the one cabin on the place beside the store, except their storehouse in the back. They had the storehouse and the store and one two-roomed cabin that they built while I worked for them. I worked for the boys from the latter part of July until November of the year 1928, after I sold my ranch to the Snake River Land Co., and that summer they built the little two-roomed cabin which I am occupying on the other side of the

road, but it should have been "all of the buildings, all of the stock, store, and fixtures", it should have been, including the shelves.

Senator ADAMS. Is the word "and" in there?

Mrs. BROWN. It should have been in there, and also the comma. That is where the comma should have been in there. It says "store fixtures" instead of saying "store and fixtures." Do you understand that?

Senator NORBECK. We are trying to.

Senator ADAMS. Who prepared that bill of sale?

Mrs. BROWN. Mrs. Tanner prepared the bill of sale. Now, there is another thing that Winger did that I didn't think to say anything about. I showed that to the old gentleman that has been helping me, and he told about it to a friend of mine, and they asked Mr. Winger what they was going to do with me about that business over there, and he said that Mr. Winger said that they would have to fix things up with me. Consequently, I thought they would do it in a little more what I would call an equitable way. I am not educated like Mr. Winger is, but I know a little bit about where to place commas in order to do justice.

Chairman NYE. Are there any other questions? If not that is all, then, Mrs. Brown.

(Whereupon, the witness was excused.)

Mr. NEILSON. Mr. Chairman.

Chairman NYE. Mr. Neilson, do you wish to speak to the question that has been pending?

Mr. NEILSON. Yes, this is in reference to the same matter. From the remarks of the committee, I assume that you would like to know all there is to know, and I can add a few words, if you wish to hear it, about this.

Chairman NYE. Yes, if there is any more to know about it. I hope, however, it will not be repetition. You will have to be sworn, Mr. Neilson.

(Whereupon, Mr. Neilson was sworn.)

Senator ASHURST. Inasmuch as there has been more or less talk about the bill of sale, I suggest that that clause in this bill of sale be put into the record.

Senator ADAMS. Yes, I think that is a good idea so all of us can use our own ingenuity.

Chairman NYE. Let it be understood that the reporter is to include that in the record.

Mrs. BROWN. Mr. Chairman, may I add another word or two?

Chairman NYE. Yes, if you wish, Mrs. Brown.

Mrs. BROWN. There was a year or better after I bought this and occupied it for that length of time before Mr. Winger came into my store and was talking over the matter with me and he told me he was going down to buy the business, and in a short time he came by and stopped and said he had been down and bought it.

Senator NORBECK. Bought your business?

Mrs. BROWN. Bought the building. He claimed the buildings and the land.

Senator NORBECK. And then he offered you the building and offered you \$500 besides?

Mrs. BROWN. Yes, and there is also a letter from Mrs. Harris where she gives her son-in-law a power of attorney to conduct the business for her.

Senator ADAMS. Mr. Chairman, can't we just have that particular part of the bill of sale read into the record at this point, so we will know just how it reads?

Chairman NYE. Yes, let counsel read that part of it.

Mr. PICKETT. (Reading):

All of the stock, store fixtures, including counters, shelves, etc., and all household goods in the store and dwelling situated on the Jackson-Menor Road, known as the "Last Chance," and situated on the acre of ground in the northeast corner of lot 2 of section 36, township 43, north of range 116, west of sixth principal meridian, Wyo.

Mrs. BROWN. Now, if there is any question as to me having made or Mr. Winger having made any error in that, Mr. Ed. Robinson is in here and he knows we didn't intend it that way. I thank you.

Chairman NYE. You may proceed now, Mr. Neilson.

TESTIMONY OF WILFORD W. NEILSON

Mr. NEILSON. I am an attorney at law, admitted to practice in the State of Wyoming, and was during the time that Mrs. Brown just testified to. I have my office here at Jackson. I was also the county and prosecuting attorney at that time. My office at that time was in the old courthouse building, on the ground floor. Mrs. Brown and Ed. Robinson came in to see me that day on business, and they showed me a receipt which read something like this—"Received from O. K. Robinson five dollars for an acre of ground," and that was signed by Mrs. Harris, Mrs. Earl Harris. They told me that Mrs. Brown wanted to purchase that property and wished me to draw up the papers. I walked out into the county clerk's office and examined the county clerk's records and found there was no title to that property in the name of Mr. Robinson, but the title was in the name of the Harrises. I went back into my office and so informed them, and I told Mrs. Brown that Mr. Robinson had nothing that he could sell her, and advised her against entering into that kind of a deal. She told me that she had gone into the matter to her own satisfaction, and all that she asked of me was to make out the papers. I told her then that I refused to make out papers in cases of that kind, just for my own protection, because they would be recorded and in a few years someone would come in and would say, "Mrs. Brown got nothing. Mr. Neilson drew up the papers and he probably didn't advise her." Thereafter they left my office and went into the county clerk's office, where the papers were drawn up. At that time, I did not know of any transactions with the Snake River Land Co. or anyone else, if there were any. I did not know other than just what they presented to me at that time. Now, I would like to go a little further. At the time this contract was signed whereby Mrs. Brown agreed not to engage or enter into business in the Snake River Land Co. territory, I was in a court session here in Jackson at the time. I am a notary public, and Mrs. Brown and Mr. Winger came to the door of the court room and called me out, and Mr. Winger said, "We wish you to acknowledge

the execution of this instrument." I went into my office and asked Mrs. Brown if she had read this and if she was informed of its contents, and she said, "Yes", and I said, "Do you wish to sign it?" and she said, "I guess I have got to sign it", and I said, "No. It states right in here that you do it freely and voluntarily, and if you do not do this freely and voluntarily, I would rather you wouldn't execute it before me." She took up the pen and signed it, and I acknowledged the signature. That is all I care to say about that.

Senator ADAMS. At the opening session you had something that you wanted to say. Do you care to go on with that now?

Mr. NEILSON. I don't know whether this is the proper time. I did have something to say, but I do not think this is the time, Senator Adams.

Mr. PICKETT. In connection with this suit, did you discuss this matter at all with Mr. Spaulding before the suit was brought?

Mr. NEILSON. No, I did not, that I recall.

Mr. PICKETT. Did you know that the Robinsons owned the buildings there on the property?

Mr. NEILSON. No, I did not.

Mr. PICKETT. Prior to the time that the Snake River Land Co. got it?

Mr. NEILSON. No, I didn't know a thing about it. I think I have covered everything I know about it.

Mr. PICKETT. You had nothing to do with the bringing of the suit?

Mr. NEILSON. Absolutely nothing.

Mr. PICKETT. Was there some question about her being willing to sign that contract voluntarily?

Mr. NEILSON. Not at all.

Mr. PICKETT. Why did you happen to ask her that?

Mr. NEILSON. I always ask anyone that. That is my duty as a notary public. I ask it in all cases.

Mrs. BROWN. I would like to say one thing more. I just want to contradict him, the same as I did Mr. Winger. Do you wish to swear me in?

Chairman NYE. No, you have been sworn already, Mrs. Brown.

Mrs. BROWN. He didn't enter into any conversation about me signing that, about my understanding what was in it. I went in there, and he said, "Do you sign this voluntarily?" and I said, "Yes, I have got to sign it."

Senator ASHURST. The point is, did you know what you were signing?

Mrs. BROWN. I know what I was asked to sign.

Senator ASHURST. Just answer "yes" or "no." Did you know what you were signing?

Mrs. BROWN. I know what—

Senator ASHURST. Did you know what you were signing?

Mrs. BROWN. Yes, I knew.

Senator ASHURST. Well, that is the end of it, that is all.

Mrs. BROWN. I didn't fully understand any more than some of the rest of them that I gave.

Senator ASHURST. Well, you either understood or you didn't.

Mrs. BROWN. Well, I understood it, then.

Senator ASHURST. You understood it.

TESTIMONY OF P. W. SPAULDING

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your name?

Mr. SPAULDING. P. W. Spaulding.

Mr. PICKETT. You are an attorney at law at Evanston?

Mr. SPAULDING. Yes, sir.

Mr. PICKETT. And you have been representing the Snake River Land Co.?

Mr. SPAULDING. In certain capacities; yes.

Mr. PICKETT. There has been considerable controversy here about this Rosa Brown transaction, and I think the committee would like to have your version of it, including the reason that the suit was brought in the Federal court.

Senator ADAMS. I think that is an exaggeration, that the committee wants that information.

Senator NORBECK. No; that was just Senator Adams.

Chairman NYE. I would agree with counsel to this extent, that of all the complaints that have been voiced relative to the manner and the method in which the Snake River Land Co. and its agents have dealt, this Brown cases seems to be the only one that invites any degree of criticism at all, if, indeed, it invites any at all, and perhaps to that extent I think the record should be complete, so Mr. Spaulding can add anything that he may know about it—if he knows anything more about it, let's have it.

Mr. SPAULDING. I wanted to see the summons so as to make sure of the date. Some time during July a year ago, Mr. Fabian either phoned me or wrote me, I am not sure which, that he desired a suit brought against Mrs. Brown to eject her from lot no. 2, this tract containing lots 2, 5, 6, and 8, in the southeast quarter of section 36, 43, 116. We discussed the matter over the phone or by letter, I forget which, and I think a day or so later I was in Salt Lake and we discussed it further. Prior to that time I had been informed that Mrs. Brown had invited a suit and I had been in here and investigated the situation. The discussion there was as to the court in which we would go.

Senator ASHURST. You said that Mrs. Brown invited a suit?

Mr. SPAULDING. I said I was informed that she had invited the suit. I think Mr. Winger testified that she had said she wanted to get into court, and I was informed that she wanted a lawsuit over it.

Senator CAREY. You were informed by Mr. Winger?

Mr. SPAULDING. I think by Mr. Fabian.

Senator CAREY. Mr. Fabian informed you?

Mr. SPAULDING. Yes, and we discussed the court in which we would bring the suit. The controlling point was the terms of court. In the State court, suits are triable at the term after the issues are made up—

Senator ADAMS. But all that was involved here was just 1 acre.

Mr. SPAULDING. My information was that the 1 acre was indefinite, and we would have to sue for the entire tract.

Senator ADAMS. But Mrs. Brown was on just 1 acre?

Mr. SPAULDING. But we couldn't find out which way the acre went.

Senator ADAMS. And you said that it had a fair and reasonable value of \$6,000?

Mr. SPAULDING. That was the entire tract.

Senator ADAMS. That is the ground that you said Mrs. Brown had possession of?

Mr. SPAULDING. Yes.

Senator ADAMS. That was just to get into the Federal court, wasn't it?

Mr. SPAULDING. There were other things in connection with that. As I said, there was no way to separate her holdings from the entire tract. Then, as I say, there is only one term of court in this county, and if we had commenced suit in the State court we would not have had a trial of the matter until the following year. If we commenced the suit in the Federal court we could get in in time for the November term.

Senator ADAMS. Didn't you crowd the situation a little? You knew that she was occupying 1 acre of ground, and yet you bring a suit in the Federal court in which you have to allege a jurisdictional amount and you have alleged a value of \$6,000, whereas this 1 acre of ground had a value on these schedules of \$50 to \$75.

Mr. SPAULDING. Now——

Senator ADAMS. Just a moment. It is apparent that you wanted to keep out of the State courts, and you go all the way down to Cheyenne in such a trifling matter and bring a suit against a woman here who is not in a position to defend herself. I am wondering whether it was just the thing under those conditions to make a fictitious allegation of value.

Mr. SPAULDING. We were only required to allege a valuation of \$3,000.

Senator ADAMS. And you alleged six?

Mr. SPAULDING. Yes, sir. If our only idea was to get into the Federal court, we could have alleged a little over \$3,000.

Senator CAREY. Couldn't you have brought a simple ejectment suit in the justice court here and got her off the land?

Mr. SPAULDING. No, because the moment the title to land comes into a case the justice would lose jurisdiction.

Mr. PICKETT. Then did you consider the fact that the title was in question?

Mr. SPAULDING. I did not consider it was in question, but the moment the question was raised—and it can be raised whether properly or not—the moment the defendant in a suit over land raises the question of title, the justice loses jurisdiction.

Senator ASHURST. Doubtless that is true. But a justice of peace court might have jurisdiction in a suit over the possession of the improvements.

Mr. SPAULDING. I don't see that they can be separated.

Senator ASHURST. In some States the justice of the peace would have jurisdiction in a forcible entry and detainer case and the justice would have jurisdiction to determine the right of possession of the improvements.

Mr. SPAULDING. I think that is true, but I think you will agree that the moment that the question of the title to the land came into it, the justice of the peace would lose jurisdiction.

Senator ASHURST. I will agree with that statement, but the question of the title to the land was not involved here, was it?

Mr. SPAULDING. I think so. We expected it would be raised.

Senator ASHURST. I am not asserting it was.

Senator CAREY. You allege rental in the petitoin?

Mr. SPAULDING. We allege rental value, but we do not base it on any terms of a lease.

Senator CAREY. Do we have a Wyoming statute which protects a person who has a lease on a piece of property as to the value of their improvements?

Mr. SPAULDING. Yes; we have.

Senator CAREY. Regardless of the sale of a piece of property, if a person has a lease on that property, or something that would be the same as a lease, you cannot put that person off of that property without paying for the improvements, can you?

Mr. SPAULDING. No, you are wrong on that. If a tenant for a term of years builds improvements on property and does not take them off during the term, my opinion is that he loses title. You are undoubtedly thinking of the occupying claimant act—a person who claims under a tax title, for instance, or who claims under a mistake, or something of that sort, but that is different from a person who goes in under a lease.

Senator CAREY. But isn't there a law that if someone had made an agreement with the owner of the land and had gone on there and put improvements on there, that he would be protected?

Mr. SPAULDING. I don't think so. That is a question of opinion. My information when I filed this suit was that she had no right that any court would enforce. In the first place, she had no contract—the court would have to make a contract for her, and the courts don't do that.

Senator CAREY. That is, such contracts have to be in writing?

Mr. SPAULDING. I am merely trying to justify my opinion as an attorney advising a client, and I will have to tell this just as I thought about it. If I were to tell you why I went into the Federal court, I will say that the most controlling point was to get into an earlier term of court, and the second point was that we anticipated a trial and we desired to have that trial in the Federal court.

Senator ADAMS. You said that there was no contract. Now, Mrs. Brown has submitted to this committee a contract for the purchase of this piece of ground, dated in 1930, 2 years before the date of your suit.

Mr. SPAULDING. For the purchase of what?

Senator ADAMS. This acre of ground.

Mr. SPAULDING. What acre?

Senator ADAMS. That is involved in your suit.

Mr. SPAULDING. When a person has an acre of ground, that acre of ground shall be so many rods in this way and so many rods the other way, definitely describing that acre.

Senator ADAMS. But there were certain buildings located on the ground which would definitely locate the ground, these cottages and the store.

Mr. SPAULDING. Yes; they located the corner, but they do not locate the dimensions.

Senator ADAMS. They located the ground that the buildings were on.

Mr. SPAULDING. The buildings were on a part of the acre, but they do not determine the dimensions of the acre, or what direction

and distance that acre extended. That was indefinite. That was my information.

Mr. PICKETT. You heard Mr. Winger's testimony as to his knowledge that Robinson owned these buildings and of his knowledge of the sale of that building by Robinson to Mrs. Brown?

Mr. SPAULDING. Yes.

Mr. PICKETT. And did you have a knowledge of those facts when you brought the suit?

Mr. SPAULDING. I had the knowledge about that, and I had knowledge that there was a copy of a contract whereby the Robinsons attempted to buy an acre of ground, this acre in question, but it is not described or located definitely as to that acre, and it contains a provision for a default in the event of nonpayment, and the payments were not made.

Mr. PICKETT. And that gave you notice that the Robinsons had entered under some claim of title, did it not?

Mr. SPAULDING. It gave me notice; yes.

Mr. PICKETT. But you thought it was defective?

Mr. SPAULDING. I thought it was defective.

Mr. PICKETT. And you knew at the same time that Mrs. Brown had agreed to buy from Robinson—

Mr. SPAULDING. Yes, the store building, fixtures, and his stock of merchandise. That was my information.

Mr. PICKETT. Then, recognizing that, don't you believe that, under our Supreme Court decisions, a man entering under even an oral agreement with the consent of the owner and putting valuable improvements on there is entitled to enforce his equity?

Mr. SPAULDING. Not unless he performs.

Mr. PICKETT. Yes, but if he offers to perform?

Mr. SPAULDING. There has been no offer here to perform of which I had been informed.

Senator ADAMS. Had there been any cancelation of the contract?

Mr. SPAULDING. I didn't know the parties to the contract.

Senator ADAMS. You say it was not performed, but you don't know the parties. How do you know about the performance?

Mr. SPAULDING. I didn't know there wasn't, but my information was there had been no performance and had been no payment.

Mr. PICKETT. Did you recognize any claim of Mrs. Brown's?

Mr. SPAULDING. It was not my province to recognize it.

Mr. PICKETT. Did you think she had a claim?

Mr. SPAULDING. No.

Mr. PICKETT. You thought she was a trespasser?

Mr. SPAULDING. No.

Mr. PICKETT. Well, then that she had no right on the property, is that my understanding of your position?

Mr. SPAULDING. Yes.

Mr. PICKETT. Well, then wouldn't a forcible entry and detainer in justice court lie in such a case?

Mr. SPAULDING. Not if she set up what she now claims; no.

Mr. PICKETT. That would be a matter of defense which she would have a right to take to the district court—

Mr. SPAULDING. No, she wouldn't have the right to take it, but the moment she raised that question the case would end in justice court, and we would have our trip up here for nothing. We anticipated she

would raise the question of the title, and that would end the case in the justice court.

Mr. PICKETT. You think that the justice court would lose jurisdiction over the case if the question of the title were raised?

Mr. SPAULDING. Yes; I am sure it would, and we expected the question would be raised. I think in a case of a tenant holding over after the term, where there was no dispute as to the ending of the term, the justice of the peace has jurisdiction, and that is an action that would come properly before a justice of the peace, but there was no such question involved here.

Mr. PICKETT. You think it would be transferred to the district court for determination?

Mr. SPAULDING. Yes; and then we would be tied up for a year.

Senator CAREY. What was the necessity of getting her off in such a hurry? Did you have some use for the land?

Mr. SPAULDING. I didn't know anything about that.

Senator CAREY. You were just the attorney in the matter and were asked to bring the suit; isn't that the fact?

Mr. SPAULDING. Yes; and I was also asked to investigate the facts, which I did. I talked with Mrs. Woods, who was the daughter of Mrs. Harris, and apparently knew all about it, and told me all about it, and from what she told me there never was any agreement consummated between Harris and Robinson.

Senator CAREY. You brought this suit on instructions, didn't you?

Mr. SPAULDING. On instruction?

Senator CAREY. Yes; you simply, as an attorney, did what you were instructed to do in bringing the suit?

Mr. SPAULDING. Yes; but you asked me for the reason for going into the Federal court.

Senator CAREY. I asked you?

Senator ASHURST. Someone did.

Chairman NYE. Is there anything else you want to say about this?

Mr. SPAULDING. I could talk for an hour, but I don't think I will.

Mr. Hunter has raised a point that I overlooked. The Federal court holds hearings at both terms of court at Evanston as well as in Cheyenne. I had that in mind, as well.

Senator CAREY. How much closer is that?

Mr. SPAULDING. Evanston is only 6 hours from here, about 220 miles.

Senator CAREY. What time of the year was this suit brought?

Mr. SPAULDING. It was brought the 1st day of August.

Senator NORBECK. And Cheyenne is how far?

Mr. SPAULDING. Cheyenne is about 500 miles.

Senator CAREY. How often do they have court there?

Mr. SPAULDING. Judge Kennedy comes up whenever we have business ready for him. We have a statutory term in July, but he very seldom comes at that time, but he comes at the convenience of counsel.

Senator CAREY. Did Mrs. Brown have the right to have this case transferred to Evanston if she had asked for it?

Mr. SPAULDING. Oh, yes. We had two cases tried there last month which involved property in western Wyoming and the attorneys were in Salt Lake City.

Senator CAREY. She would have to file an answer in Cheyenne to the petition?

Mr. SPAULDING. She could do that by mail. It can be done in that way.

Senator CAREY. It would be discretionary with the judge of the Federal court whether he tried it at Cheyenne or at Evanston?

Mr. SPAULDING. I think it is not discretionary. I think the filing of an affidavit would be all that would be necessary. I think she would have that right.

Senator CAREY. That is all, then, Mr. Spaulding.

Chairman NYE. If there are no other questions, that will be all, and thank you, Mr. Spaulding.

(Whereupon, the witness was excused.)

TESTIMONY OF ROGER W. TOLL

Examination by Mr. PICKETT:

Mr. PICKETT. Will you state your name, please?

Mr. TOLL. Roger W. Toll.

Mr. PICKETT. You are the superintendent of the Yellowstone National Park at this time?

Mr. TOLL. Yes, sir.

Mr. PICKETT. How long have you been superintendent?

Mr. TOLL. Since February 1929.

Mr. PICKETT. You succeeded Mr. Albright as superintendent of the Yellowstone National Park?

Mr. TOLL. Yes, sir.

Mr. PICKETT. Have you been familiar with the development of what is known as the Snake River Land Co. project in this area?

Mr. TOLL. Indirectly.

Mr. PICKETT. Have you had any advice from your superior as to your actions in regard to what you should do to further the project?

Mr. TOLL. No, sir.

Mr. PICKETT. Were the Yellow stone files in connection with this ever forwarded to you by your superior?

Mr. TOLL. Yes, he turned those files over to me.

Mr. PICKETT. Do you know what the purpose of that was?

Mr. TOLL. So that I might be familiar, I suppose, with the activities in park matters.

Mr. PICKETT. Do you recall about when that was?

Mr. TOLL. I believe it was in the spring of 1929.

Mr. PICKETT. Do you recall what your instructions were in connection with that?

Mr. TOLL. Just to read the files and become familiar with the matter.

Mr. PICKETT. Where were you before you came here, Mr. Toll?

Mr. TOLL. I was superintendent of the Rocky Mountain National Park for 7 years.

Mr. PICKETT. Is that Estes Park—that is the park included in that?

Mr. TOLL. Estes Park is the post office.

Mr. PICKETT. Have you taken any part in any manner whatever in an attempt to further this project in your official capacity?

Mr. TOLL. I do not recall any.

Mr. PICKETT. Did you ever make any trips in connection with it?

Mr. TOLL. This trip here and a number of similar trips incidental to it.

Mr. PICKETT. Where did you make those trips, Mr. Toll?

Mr. TOLL. I have been to Salt Lake on several different occasions, and I usually see Mr. Fabian when I am there, and I have been to a number of cities in the States adjacent to Yellowstone. I do not recall any trips primarily on this matter.

Mr. PICKETT. Do you recall making a trip to Cheyenne to see and discuss this project with certain influential men in March 1930 or in January 1930, I believe it was?

Mr. TOLL. I go to Cheyenne quite often.

Mr. PICKETT. Did you go there for that purpose?

Mr. TOLL. I do not recall that I did go primarily on Snake River Land Co. matters, no.

Mr. PICKETT. You would know if you did, wouldn't you?

Mr. TOLL. As I say, I go to Cheyenne several times a year, but I do not recall that I went primarily on this matter.

Mr. PICKETT. Did you ever enter in any manner into assisting in the purchase of Jackson Lake Lodge?

Mr. TOLL. No, sir.

Mr. PICKETT. Did you make a trip to Casper to see Mr. Ellison?

Mr. TOLL. I went to Casper, not for the purpose of seeing Mr. Ellison, but I did see him while I was there, and I discussed the matter with him and with others, not about purchasing, but about the lodge.

Chairman NYE. The management of the lodge?

Mr. TOLL. Yes; I was just trying to think—there had been a difference of opinion existing between Mr. Ellison and the others, and I discussed that, and there was some correspondence.

Mr. PICKETT. Although this apparently is merely an incident, would you please explain what it was?

Mr. TOLL. I recall Mr. Ellison had had some correspondence with Mr. Fabian and Mr. Albright, and there was a question—I do not recall clearly what it was about, but he felt that he and his associates were entitled to more liberal treatment, perhaps, than they were getting, something perhaps of that sort.

Mr. PICKETT. Did you try to adjust that?

Mr. TOLL. I just tried to clarify the misunderstanding between himself and Mr. Albright.

Mr. PICKETT. Was there a misunderstanding in any way between Mr. Albright and the owners of the Jackson Lake Lodge over the purchase of it?

Senator NORBECK. It was just testified it was not about the purchase.

Mr. TOLL. I do not recall what the misunderstanding was. I know that there was a lack of—well, they had been very good friends, but there was something in the negotiations that made Mr. Ellison think he did not receive as liberal treatment as he should have.

Mr. PICKETT. Liberal treatment from whom?

Mr. TOLL. I suppose from the Snake River Land Co.

Mr. PICKETT. And what did you have to do with that?

Mr. TOLL. Nothing directly.

Mr. PICKETT. What did you have to do with it indirectly?

Mr. TOLL. Only to try to clear up any lack of harmony between these two men.

Mr. PICKETT. Were you aiding in the purchase of these properties?

Mr. TOLL. No.

Mr. PICKETT. I still haven't got in my mind what your purpose was. Why did you go there, and what did you do there?

Mr. TOLL. I stopped overnight in Casper on the way to Yellowstone, and Mr. Ellison was one of the men whom I saw, and that brought up the fact that they were interested in the Jackson Lake Lodge, and they were apprehensive that the enlargement of Teton Lodge would affect them adversely.

Chairman NYE. The enlargement of Teton Park, you mean?

Mr. TOLL. No, of the lodge.

Senator ADAMS. Well, what did you do there? What did you have to say about it?

Mr. TOLL. Only to try and find out what his feelings were in the matter and advise Mr. Albright.

Chairman NYE. Did you advise Mr. Albright?

Mr. TOLL. I did, but I do not recall now what the advice was as to what I had learned from Mr. Ellison.

Chairman NYE. Was that advice by letter?

Mr. TOLL. By letter, yes.

Senator NORBECK. Is that letter in the park files?

Mr. PICKETT. All of the park files are here.

Chairman NYE. Then why don't you introduce them?

Mr. PICKETT. I want to know what he has got to say about it.

Senator NORBECK. Well, that is a slow way to do it.

Mr. PICKETT. Did you later make a trip to Cheyenne in connection with the same thing?

Mr. TOLL. Not primarily for the same thing, but I have been to Cheyenne often.

Mr. PICKETT. Were you instructed to go for that purpose?

Mr. TOLL. No, I think not.

Mr. PICKETT. But do you recall being there in January 1931?

Mr. TOLL. Yes, I believe I was.

Mr. PICKETT. Whom did you see, do you recall, in Cheyenne at that time?

Mr. TOLL. I usually see 20 or 30 people when I go there.

Senator ADAMS. Who is Mr. Ellison?

Mr. TOLL. He was an official of the Midwest Oil Co. in Casper, and he has now been transferred to Tulsa, Okla. He is in the oil business, and he also was one of the stockholders of the Jackson Lake Lodge.

Senator CAREY. Senator Adams, for your information, the Jackson Lake Lodge people were operating a resort above Moran at that time.

Senator ADAMS. Before it was taken over by the Teton Investment Co.?

Senator CAREY. I imagine it was before that, yes.

Mr. TOLL. There was some proposal of pooling the interests there.

Senator CAREY. A proposal by whom?

Mr. TOLL. I don't know who originated it—between the Jackson Lake Lodge and the Teton Lodge. There was an attempt to secure a community of interests instead of competing interests.

Senator CAREY. What we are getting at, what was your interest in it?

Mr. TOLL. Only incidental.

Mr. PICKETT. What was the purpose of your trip to Cheyenne during the legislature of 1931?

Mr. TOLL. To get in touch with matters concerning our department, and there is a better opportunity of meeting people at that time, as the leading people of the State are in Cheyenne while the legislature is in session, and matters come up that might affect the Park Service.

Mr. PICKETT. Now, referring to the Park Service files, file no. 610-01, part 14, on January 30, 1931, you wrote a letter to Mr. Albright, in the opening paragraph of which you said,

In accordance with your letter of January 23, I spent a day in Cheyenne and talked with Governor Emerson, Ross Alcorn, Harry Weston, John A. Whiting, L. L. Newton, Dr. Robert A. Hocker, the newly appointed fish and game commissioner, Carl Lund, George E. Brimmer, Will Deloney, Senator Lundy, Tracy McCracken, Charles Thompson, Jim Walton, Wilford W. Neilson, county attorney for Teton County, Gregory Powell and Charles Carey.

Now, what do you remember as to the purpose of that? Do you want to refer to that letter?

Mr. TOLL. No; thank you. All of these men are either friends of the park or friends of Mr. Albright or men with whom we have business connections in business matters.

Mr. PICKETT. Did it have anything to do with this project?

Mr. TOLL. No; my visit to Cheyenne did not have anything to do with this. I believe I talked to Mr. Neilson, and when I talked with him I probably talked about Jackson Hole matters, but I have not been engaged in any official capacity with Teton Park or the Snake River Land Co.

Mr. PICKETT. You state in one paragraph of this letter:

There are, of course, a number of landowners who want the Snake River Land Co. to continue their purchasing program. The county officials and the taxpayers would like to have the company or the Government continue the payment of taxes on the land. There are many people who would, if they could, block the transfer of the land from the company to the Government. It would seem that the position of the Snake River Land Co. might be strengthened if they were to announce that there would be no more purchases until a definite program had been adopted and agreed to, providing for the transfer to the Government, and for the administration of the lands within definite boundaries, by specified bureaus, but that when such an agreement had been reached, there would be funds available, to a stated amount, to continued advantageous purchases. This would provide a local demand that a satisfactory agreement be reached.

Was that the matter that was discussed with these men?

Mr. TOLL. I think that is my conclusions from a number of discussions, probably, with some of these men, but by no means with all of them.

Mr. PICKETT. You traveled on Government expense there?

Mr. TOLL. Yes.

Mr. PICKETT. Did you make these trips often?

Mr. TOLL. Yes; I go to Cheyenne as often as I can.

Mr. PICKETT. There is just one other question I want to ask you, and that is, concerning the elk in Yellowstone and how big the herd is in Yellowstone Park?

Mr. TOLL. There are three elk herds, a part or all of which spend the summer in the Yellowstone Park. There is the Gallatin herd of about

3,000, and there is the northern herd of from 10,000 to 12,000, and there is the southern herd, which occupies a large area partly in Yellowstone and partly in the adjacent territory south and southeast. I think the testimony has been correct that the center or the greatest density of the elk is outside of Yellowstone Park, and it covers a large area, taking in quite a section or the southeast part of the Yellowstone. When the fall comes, those three herds take different routes to their winter feeding grounds. The southern herd heads toward the Jackson Hole country. The northern herd winters partially in the park, where they have to be fed, and partially in Montana, north of Gardiner. The Gallatin herd mostly leaves the park and winters in the valley of the Gallatin River.

A number of men have been studying the elk problem for years, and Dr. Murie of the Biological Survey, who is an authority on elk and other wild animals, has been studying especially the northern herd and has issued several publications on the subject, which are valuable for data on elk. The Elk Commission has also studied it. I think the best thoughts on the subject agree that it is undesirable to feed elk except in cases of necessity. The elk that forage for themselves come through the winter in very much better shape than the elk that are gathered together by artificial feeding in large numbers. Elk are subject to many diseases, infections, and parasites, and these are all increased where they are fed in large number on congested feed grounds. In the northern herd we are trying to make available to them all of the winter range that is possible and to feed as little as possible, and we begin feeding as late in the winter as we can, and only take it up when it is a case of starvation or feeding. The artificial feeding of game is decidedly objectionable, and I think it is agreed that it would be much better for the elk if the winter range could be provided. It has been pointed out here that some of them spend their summers in the mountainous regions and their winters on the plains, where there was less snow and more opportunity to get to the forage. The settlement of the plains country and the fencing in of the hay and the fencing of the lands has driven them up into the mountains, where they do not normally go, and that is not their normal condition. I think the best thing for the southern herd is to have an adequate winter range. There is ample summer range for the game, but the winter range is extremely short, and anything that can increase the winter range is a benefit for the elk. The elk need all the winter range they can possibly get, and they need as little conflict with domestic grazing as is possible. The elk and the domestic animals compete for the same grass, and if the domestic animals get it the elk do not get it.

Mr. PICKETT. How large a herd of elk is there in the park?

Mr. TOLL. The Gallatin herd is about 3,000—

Mr. PICKETT. No; I mean combined?

Mr. TOLL. I could not tell you except as I have given them to you, and none of these herds are in the park throughout the year.

Mr. PICKETT. Do any of the park herds come in to the Jackson Hole country?

Mr. TOLL. Those that summer in the southern corner of Yellowstone come to the Jackson Hole country in the winter.

Mr. PICKETT. And how large a herd is that?

Mr. TOLL. It is around 20,000 head.

Mr. PICKETT. And they go back and forth up in there?

Mr. TOLL. They winter outside the park, and they spend the summer around the Thoroughfare and Yellowstone Basins, and the Big Game Ridge and the Bridger Lake country. I think Mr. Deloney brought out very graphically the situation of the elk. I think that is one of the most important projects of the Snake River Land Co., and I think that anything that can be done to assist the elk is a very generous contribution to the State of Wyoming, which owns the elk and owns all game in the State, and to the people of the country.

Senator NORBECK. You think that Wyoming should own the elk?

Mr. TOLL. They do.

Senator NORBECK. And you think that they should continue to own them?

Mr. TOLL. Yes.

Senator NORBECK. And they own the elk that are in the park; isn't that a fact?

Mr. TOLL. The State is the owner of the game.

Senator NORBECK. And you think it should continue to be the owner?

Mr. TOLL. That is a matter of law. It is not a matter of opinion.

Senator NORBECK. I wanted your opinion.

Mr. TOLL. I haven't any.

Mr. PICKETT. You believe that the Jackson Hole herd has been pretty well taken care of?

Mr. TOLL. Yes; I think they have.

Mr. PICKETT. Do you know what the plans of this project are in connection with this elk herd?

Mr. TOLL. To make available more winter grazing ground.

Mr. PICKETT. I mean as to the acquisition of the herd?

Mr. TOLL. I don't know of any plans to acquire the herd.

Senator CAREY. And where would that winter grazing ground be?

Mr. TOLL. I think principally on the east side of the Snake River.

Senator CAREY. Don't you think that that ground is covered with snow in the winter?

Mr. TOLL. The elk will go through 2 feet of snow to get food, if it is not crusted.

Senator CAREY. I don't think, outside of the upper ridges, there is any grazing up there in the winter.

Mr. TOLL. I am not an authority on the elk herd, but I imagine if there were ample grazing they would come there in the fall and in the spring, even though they had to be fed in the winter.

Senator CAREY. Most of that country is covered in the winter except the ridges.

Chairman NYE. Mr. Toll, has there been any agitation on the part of the Park Service that has come to your attention indicating that the Park Service was wanting to acquire the elk herds that belong to the State of Wyoming?

Mr. TOLL. No, sir. There is one thing, too, Mr. Chairman, that I should like to speak about. It has been mentioned that if the lands of the Snake River Land Co. were turned over to the Federal Government, that Teton County would lose in taxation. I believe it was some years ago around \$7,500, and then \$10,000, and now about \$13,000 in taxes. I think there would be some offsets. I think that the protection of the bond issues, especially of the county, is a matter

on which Teton County should receive liberal protection. However, I think there would be some offsets by reason of the benefits that the State of Wyoming would acquire by reason of this being in Government possession. Some years ago, when most of the hay land in the valley was in private ownership, the elk necessarily foraged on haystacks, and I believe that the claims of landowners ran up, in some cases, to as much as \$7,500 a year against the State, and many of those claims were paid by the State game and fish commission. If sufficient hay land were available, the elk could get their feed by foraging, without encroaching upon private land, and it would seem to me that these things—the necessity of feeding the elk, and the damage, and the claims for hay taken from private owners—would decrease. I think it is a matter for the men who specialize on the subject to determine how large the herd should be, and when the herd gets over that number it should be opened to legal hunting. It is the desire to keep the herd as large and as strong as practicable, and the size of the herd should be regulated in that way. It would be much better for the hunters and for the elk than to have any substantial number freeze and starve in bad winters, although in bad winters there is bound to be some elk starve and freeze to death.

SENATOR CAREY. Do you know any matter on which there are so many different opinions as there are about this question of how to handle this elk herd?

MR. TOLL. I think that is true. Many men with a life-long experience do not agree. There is also this other matter. Senator Ashurst mentioned the fact that it was improbable that the Federal Government would agree to pay these taxes. There might be one way around that, which might be satisfactory to Congress by which the revenue which would accrue to the Grand Teton Park, that a portion of that should go to the county. A similar arrangement was made in regard to the forest revenues, a portion of which go to the local county.

SENATOR CAREY. Yes; any of the revenues accruing to the parks, a provision or suggestion of Congress might be made to have a portion of these revenues go to the county.

SENATOR NORBECK. For instance, the admission fees at the park?

MR. TOLL. The entrances. There is no admittance to the Grand Teton National Park now, but it may be we will quickly find they would agree to make a definite proportion for it.

SENATOR NORBECK. I do not think that is the big stumbling block; the willingness of Congress to help out on the taxation. I think that is rather remote, I think we have a big hill to cross before we get to that. For instance, I think this question has to be solved by the people of Wyoming, by them working out some plan that would be right and be fair to Teton County, along conservative lines, and refrain from destroying business, and I think when such a plan is worked out the people here can consent to it and Congress can enact it. The fight is here, not in Washington.

Chairman NYE. Have you finished, Mr. Toll?

MR. TOLL. If I might say one thing more. Wyoming has a large proportion of State land in one form of conservation or other, and any of the State officials are anxious that that portion should not be increased. On the other hand, it is generally recognized that the lands in public ownership and Federal ownership do contribute to the benefit of the State. I think in the case of Yellowstone, for

instance, that even in Wyoming, if Wyoming had the option of canceling the national parks, Yellowstone National Park or Teton National Park, I do not believe it would be done. I believe that the State would prefer to see those lands held in public ownership, because they recognize they are 2 of the 22 outstanding scenic areas of the United States, and I believe Mr. Rockefeller's intention in the Snake River Land Co. was to add to the value of the Grand Teton National Park to the people of the country. The peaks themselves are in the park. If that area is extended to include the view from the road, so there cannot be any telephone lines or other objectionable feature, or anything to detract from the scenery—if people can stop along there and get more pleasure out of the Teton National Park, I think it would be a benefit to Wyoming as well as a certain benefit to the people of the country, and I think it was those two ideas or objects that Mr. Rockefeller had in mind. I have been wondering if Mr. Rockefeller, instead of purchasing land, had been able to have taken options, and today held options for thirty or thirty-five thousand acres of land, if he was ready to pay a million and a half I do not believe there would be any doubt but that the people of Jackson, Teton County, and the State, and the United States, would give him every encouragement to go ahead and close the deal.

Mr. PICKETT. What do you base that belief on, Mr. Toll?

Mr. TOLL. Because I cannot see anyone who would have an adverse interest, and many would have personal direct interest, that would call for their support. I think Mr. Rockefeller is in an unfortunate position at the present time; no one offers to return the lands and get back the lands and return the purchase price. I have not heard that from them during these hearings.

Senator ASHURST. Do you know of any of the homesteaders or settlers, who have sold land to the Snake River Co., who would be glad to return the money and accept a conveyance of the land?

Mr. TOLL. I have not heard of any.

Mr. PICKETT. Have you had any connection, in your official capacity, with the operation of the lodge at Moran at any time, Mr. Toll?

Mr. TOLL. No.

Mr. PICKETT. Have you sent any of the Government employees down there?

Mr. TOLL. Yes; many go down. One of the landscape men went down for a while. I believe he was on leave, and not on Government pay at the time; that is, he took his annual leave time and drew some plans for their water or sewage, and building plans.

Mr. PICKETT. Did any of your assistants go down there?

Mr. TOLL. A Mr. Daum, who had been the assistant superintendent in Yellowstone, resigned and worked for the Snake River Co., but the two positions never overlapped.

Mr. PICKETT. He resigned before he went down there?

Mr. TOLL. Yes.

Mr. PICKETT. Do I understand that none of the park men, that have gone down there to work, have been on Government pay?

Mr. TOLL. I believe not.

Senator CAREY. Some plumbers worked down there on Teton Lodge?

Mr. TOLL. I do not recall that they did, Senator Carey.

Senator CAREY. You do not know for sure whether they did or not?

Mr. TOLL. I am sure that the landscape engineer made some plans; I do not know that any of the plumbing work was done by any one in the park. I think it was not.

Senator CAREY. It was reported that they went down there and helped put the plumbing in; I do not know whether it is true or not.

Mr. TOLL. I can find out. We have only one permanent plumber.

Senator CAREY. Did the landscape architect design the miniature golf course they have there?

Mr. TOLL. No; he did not.

Mr. PICKETT. You said that Mr. Daum went to work for the Snake River Co.—you mean, the Teton Investment Co, do you not?

Mr. TOLL. Yes.

Chairman NYE. That is all, then, Mr. Toll.

(Witness excused.)

Chairman NYE. I think I need not indicate that the committee has a high hope and expectation of being able to complete its work here in Jackson this evening. Not knowing, of course, how many are here who are wanting to appear when opportunity is offered, I want to assure them that opportunity will be given. It would be a convenience to the committee if such as want to be heard would send a note, or somehow get word up here, that they wanted to heard before we conclude. A note to that effect has come from a number of people out in the so-called "Mormon Row" country, and, among those named as wanting to be heard, is James Budge, county commissioner. Is he present at this time?

Mr. BUDGE. Yes.

Chairman NYE. Others are named, Mr. Budge. Are you prepared to speak for all of them, or do all of them want to be heard?

Mr. BUDGE. I suppose all.

Chairman NYE. Let me ask the others, Mr. Moulton, Mr. Harthorn and Mr. Woodman—will you stand? Is it likely that Mr. Budge can, for the most part, state your case?

Mr. MOULTON. For my part; yes.

Chairman NYE. Then, let us proceed by hearing Mr. Budge and the others of you from Mormon Row. If anything remains unsaid by Mr. Budge representing your viewpoint, we want you to feel free to rise after he finishes and make it known that you want to be heard.

TESTIMONY OF JAMES BUDGE

Examination by Chairman Nye:

Mr. PICKETT. Give the reporter your full name.

Mr. BUDGE. James Budge.

Mr. PICKETT. You are a resident up in the so-called "Mormon Row" country?

Mr. BUDGE. Yes, sir.

Mr. PICKETT. How long have you resided there, Mr. Budge?

Mr. BUDGE. Thirty-seven years.

Mr. PICKETT. You are a member of the board of county commissioners?

Mr. BUDGE. Yes.

Mr. PICKETT. How long have you been such?

Mr. BUDGE. Three years.

Mr. PICKETT. I take it, Mr. Budge, you people up in the Mormon Row have a problem all of your own as it is related to this so-called "Snake River Land Co. project"?

Mr. BUDGE. I think so.

Mr. PICKETT. The committee would like to have you make any statement you may wish that would throw any light on your problem at all.

Mr. BUDGE. The Snake River Land Co. bought lands all around us, leaving a few of us sitting in a row. If they turn this land over to the Government we are up against it; we will have no schools—

Senator NORBECK. You mean, the taxes are forthcoming on this land?

Mr. BUDGE. Yes. We have made up our mind we would like to sell out, and would have done so before but for the interference of the Lions' Club, I think it is. I do not know why they did; we never asked them to interfere.

Mr. PICKETT. You mean, that the people of the row never asked for help in preventing the purchase of your lands?

Mr. BUDGE. No, sir; none of us. They must have felt sorry for us, that we did not know whether we wanted to sell our own land or not.

Mr. PICKETT. As I understand it, the land was originally in the area to be purchased by the Snake River Land Co.?

Mr. BUDGE. Yes.

Mr. PICKETT. And after certain representations had been made that land was counted out by the Snake River Co., and they determined not to buy there?

Mr. BUDGE. That is it.

Mr. PICKETT. And, now, you are hoping they will take it into their whole project?

Mr. BUDGE. If they do not, we are sitting in a bad place.

Mr. PICKETT. And about how many property owners are there in that row?

Mr. BUDGE. Probably 12 of us, or 13, on the row, and then there is some scattered east there. You see, they have got land all around us, and lots of land amongst ours. They have got us entirely surrounded with their land.

Mr. PICKETT. What school facilities do you have now; are they what they always have been?

Mr. BUDGE. Yes; we manage to get along now by putting on nearly the limit of taxes, and if this land is ever put out of tax it is too bad for us.

Mr. PICKETT. Did you have anything further you wanted to say with relation to the situation?

Mr. BUDGE. I do not know as I have.

Senator ASHURST. Mr. Commissioner, I am curious to know why, if you up there are so anxious to sell, you do not sell.

Mr. BUDGE. They won't buy us.

Senator ASHURST. Why did they buy a part?

Chairman NYE. They bought a part before the protest went in?

Mr. BUDGE. Before the protest went in, and then they protested to the Governor about buying any more land. We were about to sell.

Senator NORBECK. There is no sale to other parties—there is no demand for the land?

Mr. BUDGE. No one will buy the land the way it is now, without they get it settled in some way; they ought to buy it, or do something.

Senator CAREY. You have an excellent farming country there?

Mr. BUDGE. Yes.

Senator CAREY. You used to raise very good crops there?

Mr. BUDGE. We still do.

Senator CAREY. You used to have a market for those crops, did you?

Mr. BUDGE. Yes.

Senator CAREY. Do you think the purchase of these other lands has destroyed your market?

Mr. BUDGE. Sure; we used to sell most of our stuff at Sheffield's, and up on Buffalo. We sell nothing there now, and the park buys nothing from us.

Senator CAREY. You got along very well when you sold your stuff?

Mr. BUDGE. Yes.

Mr. PICKETT. You are the county commissioner?

Mr. BUDGE. Yes.

Examination by Mr. PICKETT:

Mr. PICKETT. Do you know what the school bond issue is in this area?

Mr. BUDGE. There is \$40,000 high-school bonds, and in District No. 1, I think they still have three thousand; District 5, about four thousand.

Mr. PICKETT. Are any of those districts entirely within this area?

Mr. BUDGE. Yes, the high school is; that is, part of it.

Mr. PICKETT. Do you recall what your total county budget is or was for this year?

Mr. BUDGE. Nineteen thousand.

Mr. PICKETT. And thirteen thousand of that was paid by the Snake River Land Co.?

Mr. BUDGE. This is just the county budget.

Mr. PICKETT. I mean, the entire budget?

Mr. BUDGE. I could not say. You see, we put the levy on day before yesterday.

Senator CAREY. That levy is strictly for county purposes?

Mr. BUDGE. Yes; nineteen thousand.

Senator CAREY. That includes the road tax, does it?

Mr. BUDGE. No, that does not include anything except to run the county.

Senator CAREY. For the officials of the county?

Mr. BUDGE. Yes.

Senator CAREY. Then, you have the school taxes?

Mr. BUDGE. Then the school taxes go on top of that.

Senator CAREY. Don't you have a special tax?

Mr. BUDGE. That comes within the nineteen thousand.

Senator CAREY. I used to be a county commissioner myself.

Examination by Senator ASHURST:

Senator ASHURST. Are you able to maintain this county on \$19,000 a year?

Mr. BUDGE. Yes.

Senator ASHURST. I congratulate you upon your economy.

Mr. BUDGE. It is a task.

Senator ASHURST. If other counties outside this State would be as prudent and economical we would not have such hard times.

Mr. BUDGE. If that land comes out of taxation it is too bad for the county.

Senator ASHURST. You say that the Snake River Co. now pays your county budget \$13,000 in taxes?

Mr. BUDGE. That is the total tax.

Mr. PICKETT. That is the total tax, county and State.

Senator ASHURST. What is the total amount of taxes paid in the whole county?

Mr. BUDGE. I could not say, I would have to figure that; different school districts have different taxes.

Senator ASHURST. It is not material.

Senator CAREY. You have five school districts in this county, have you?

The WITNESS. Yes.

Senator CAREY. Three of those districts are included in your high-school district?

The WITNESS. Yes, you see the school district in Mormon Row is not in the high-school district, they are not bonded.

Senator CAREY. That is all.

Mr. PICKETT. Mr. Budge, for the purpose of the record will you tell us how far buying in your community had progressed before this protest came from the Lions' Club, and others?

Mr. BUDGE. Well, they bought all around us, and ranches in between; about the only ones that held out was the ones that thought they wasn't getting quite enough.

Mr. PICKETT. Then, what was the occasion for the Lions' Club in Jackson protesting against the continuation of those purchases?

Mr. BUDGE. You will have to ask the Lions' Club, I cannot imagine.

Senator ASHURST. Isn't it a fact that one of your governors protested against it?

The WITNESS. That was through what the Lions' Club sent him; we met with him afterwards, and he withdrew his objections. He came out here and we showed him how we were fixed.

Senator CAREY. When was it the Snake River Land Co. agreed to buy you out if you would take a lump sum in there?

Mr. BUDGE. I do not know as we did.

Senator CAREY. You discussed that, did you?

Mr. BUDGE. I do not know.

Examination by Chairman NYE:

Chairman NYE. That has been discussed; the committee understands that a proposal was made whereby all of you, who were left up in Mormon Row, were to get together and determine upon a lump sum such as would be required to complete that purchase; do you think a getting together of that kind would be possible?

Mr. BUDGE. We got together once, I guess we could again.

Chairman NYE. Is there anyone remaining in the row who is not willing to sell?

Mr. BUDGE. I do not think so.

Chairman NYE. So far as you know, they are ready?

Mr. BUDGE. They are ready.

Chairman NYE. For whatever the suggestion would be worth I would suggest that you have a committee of your neighbors up there get in touch with the Snake River Land Co. and officials and see what they are expecting of you in that direction.

Mr. BUDGE. Well, we did, and we supposed we were going to sell; I do not know what stopped it.

Senator ASHURST. What do the people of the Snake River Land Co. say about that matter?

Mr. BUDGE. I have not talked with them; they say it is out of their project, is all.

Chairman NYE. Mr. Fabian, has the Snake River Land Co. entirely closed the door to the consideration of that Mormon Row question?

Mr. FABIAN. I cannot answer you that. At the present time I have been instructed to make no further purchases until the hearing is concluded and something eventuates as a result of this. I do not know what that means or how extensive it will go.

Chairman NYE. Is it true that if purchases to the extent of Mormon Row will be made, a further appropriation by Mr. Rockefeller will be required?

Mr. FABIAN. That will be necessary.

Senator CAREY. Did you state, Mr. Fabian, there was 7,000 acres there unpurchased?

Mr. FABIAN. My recollection is that is about it, it is around 7,000 roughly.

Senator NORBECK. You say you got together once, Mr. Budge; when was that, how many years ago?

Mr. BUDGE. That was 2 years ago, a year ago this summer.

Senator CAREY. Did you agree on the price, Mr. Budge, at that time?

Mr. BUDGE. I think most did.

Senator CAREY. I mean, a price for all the lands in there?

Mr. BUDGE. No; I think Mr. Winger took an option on most of the places; I do not know what that was, he could tell you.

Chairman NYE. Did you have anything further, Mr. Budge?

Mr. BUDGE. I would like to have you gentlemen come up and look us over; it is right on the way.

Chairman NYE. It is the hope of the chairman, and at least one member of the committee has indicated a willingness to join in that, that when we finish with the hearings to make some little trip of inspection out over the lands involved. Your row is not off the main beaten path so much that we could not get there nicely, is it?

Mr. BUDGE. About 2 miles, is all.

Chairman NYE. I am sure if that is undertaken you will find us coming up your way to see first-hand what your complaint and problems are.

Senator NORBECK. I went over that country fairly carefully 4 years ago, but I would like to go over it again.

Chairman NYE. Senator, you are getting a big job on your hands.

Senator NORBECK. I have the affidavit that went into the evidence and I think that will help me, and I will have the owner along.

Chairman NYE. Is that all, Mr. Budge?

Mr. BUDGE. I think so.

(Witness excused.)

Chairman NYE. Do you want, Mr. Moulton, to add to what the commissioner has said?

Mr. MOULTON. No; I believe not, except that we would like to see this settled.

Senator ADAMS. If they had their choice, what would they do?

Mr. MOULTON. In the condition the country is now, let it go.

Senator ADAMS. What do you mean by that, sell; let the Snake River Land Co. have it?

Senator ASHURST. Is this gentleman some official?

Chairman NYE. No; a resident of Mormon Row. The other witnesses, if they have anything to say, I wish they would come forward so the reporter may hear them better. Mrs. Harthorn, do you wish to say anything?

Mrs. HARTHORN. Yes; if you please.

TESTIMONY OF MRS. HARTHORN

Chairman NYE. What do you wish to add, to what has been said, regarding the Mormon Row problem?

Mrs. HARTHORN. I think the problem should be ended right now. As to selling, or the purchasing of the ranches. In the first place, after the lands have been purchased, the fences are down. We are surrounded on all sides by rodents and weeds. There was a time when no one of us wanted to sell, but the last 2 or 3 years or so things have gone where we are perfectly willing, and I think the sentiment of Dr. Huff, in his testimony, spoke for the majority of the people. The late Governor Emerson came to my place about 2 years ago, I think, or about 3 years ago this summer, and I have a letter to that effect, in which he said that he was urging the Snake River Land Co. to purchase wherever it was possible. That was after he had withdrawn his opposition. He realized, however, what it meant to us, and he could see just how we were surrounded, by the conditions of the people. Another thing, all of this land that has been bought, there has been talk of turning it back to people who wanted to buy. But you realize that will take many years to colonize that part again. Idaho raises crops and trucks it in for 80 cents per hundred, a thing we could not do in this valley. We are up against quite a lot of things. We had plans for a tentative high school; they did not mature, on account of the expense; we could not carry it on.

Chairman NYE. How many children of school age do you have in the settlement?

Mrs. HARTHORN. I think last year we had 23; this year, of course, we have quite a few graduated, and quite a few are moving out on account of high-school conditions.

Chairman NYE. You have arrangements, do you, whereby the children of high-school age are brought in here to Jackson?

Mrs. HARTHORN. They have to come down here and board or batch, which is very hard for children, as you know, for children of that age; they should have the care of their parents.

Chairman NYE. What more would you like to say?

Mrs. HARTHORN. Nothing, only, as Mr. Budge has asked, and as I asked Senator Carey, and he said he would try—he said if you gentlemen could not come he would come himself, which I think was a very fair answer. All we want is justice, and we ask you to see this area

in which this land is situated, and the purchase of which was stopped by the Lions' Club, as Mr. Budge told you, and, of course, Governor Emerson's opposition to it, which later he withdrew after he saw it.

Chairman NYE. I think the committee appreciates the seriousness of your problem there, and we will cooperate with you in every way we can.

Senator CAREY. I think all of the members of the committee will go.

Chairman NYE. Senator Ashurst has said he will go. Maybe we can prevail upon Senator Adams to do it yet, although his plan calls for his departure by the southern route.

Mrs. HARTHORN. Thank you, Senator Nye.

(Witness excused.)

TESTIMONY OF JOHN F. WOODMAN

Chairman NYE. I take it you have something to add to what has been said regarding your wishes in Mormon Row?

Mr. WOODMAN. I really think there is very little that can be added. The reason we people up in the area up there were opposed to the area being added to the proposed park area, was because Governor Emerson thought that the people in that area did not care to be included, and we had a mass meeting of the people in that district, and at this meeting I was elected chairman, and resolutions were passed, copies of which were sent to Governor Emerson and our United States Senators and our United States Representative, asking that we be reincluded in this proposed park area, and Governor Emerson withdrew his objections and he did so by writing to Mr. Fabian that we wished to be reincluded. On the strength of that their local agent, Mr. Winger, interviewed all of the people, I think, in that area and took options at prices that were agreeable, 2-month options, and we signed the options and expected to sell. Previous to the expiration of the term, just previous to the expiration of the term of these options, we were advised that they did not feel that they should exercise these options because there had been a protest by Senator Carey against further activities by the Snake River Land Co. in that area.

Senator CAREY. Let me correct you, if you please. I do not know what you were advised, but I would like to advise you that I asked them to refrain from buying land until we had some understanding. I did not specify Mormon Row or any particular place here. I might also call your attention to the fact that they continued to buy lands after I asked them to refrain, so it is hardly fair to say that they discontinued buying lands because I asked them not to.

Mr. WOODMAN. I was going to state, that later I wrote to you in reference to this and I received a letter from you in which you stated that you had already asked Mr. Fabian to purchase—I do not know the word, exactly, but, include that in their purchases.

Senator CAREY. I think I made that request last summer when I was up on Black Butte.

Mr. WOODMAN. That was 2 years ago.

Senator CAREY. I told him then, and Mr. Fabian will bear me out. I do not want to take the blame.

Mr. WOODMAN. I was coming to that. There has been so much controversy throughout the valley that I think that is probably one

reason why the Snake River Land Co. has not considered putting us back in the project, and we want to be sure—it is so impressed upon the minds of the congressional committee that the great majority, I would say 95 percent, of what we call Mormon Row and what we call Aspen Ridge and Kelley, wish to be reincluded in this area when it is being purchased by the Snake River Land Co., and, also, we are thoroughly in favor of the park plan and the preservation of wild life and the elk herd.

Chairman NYE. You have been up in that territory a long while?

Mr. WOODMAN. I have been residing there for about 10 years; I used to bring parties in here from Idaho as long as 25 years ago.

Chairman NYE. Have your farming operations been, in the better years—of course, in the years of depression we want to forget that—more or less successful up there?

Mr. WOODMAN. I have been more dude ranching, and a guide. I put up a little hay there for saddle horses and milch cows, but not very much.

Chairman NYE. But not to any great extent?

Mr. WOODMAN. No, sir.

Chairman NYE. Do you have anything further you would like to say?

Mr. WOODMAN. That country right through there is in a direct drift of the elk herd as it migrates south in the fall and north in the spring, and of course we are bothered more or less by their breaking down fences both in the fall and spring, and getting at the hay in the winter time, and that would be obviated if the elk herd were controlled or managed by someone that was there to take care of them.

Chairman NYE. Very well, Mr. Woodman, we will probably see you up there tomorrow or the next day.

(Witness excused.)

TESTIMONY OF DAVID ABERCROMBIE

Examination by Chariman NYE:

Chairman NYE. Give the reporter your full name.

Mr. ABERCROMBIE. David Abercrombie.

Chairman NYE. I take it, from a memorandum before me, that you wish to be heard regarding the Mormon Row trouble?

Mr. ABERCROMBIE. Not regarding the Mormon Row trouble, no, sir, I do not live there.

Chairman NYE. You live in another section?

Mr. ABERCROMBIE. I live near there, south of the Gros Ventre River, at Kelly.

Chairman NYE. You have had experience you want to testify regarding?

Mr. ABERCROMBIE. I wanted to testify regarding the elk drift and the game situation and the winter bill, sir.

Chairman NYE. Where do you reside?

Mr. ABERCROMBIE. On the south bank of the Gros Ventre River at Kelly.

Chairman NYE. How long have you been there?

Mr. ABERCROMBIE. Not quite 7 years, sir.

Chairman NYE. And your business is what?

Mr. ABERCROMBIE. Dude ranching.

Chairman NYE. We would be glad to have what information might be yours regarding that.

Mr. ABERCROMBIE. The Dry Hill country, as you gentlemen know, is included in the drift of the elk in the spring and fall. The Snake River Land Co., I believe, I have been led to believe, owns two pieces of land on the south bank of the Gros Ventre River, one of which borders my property. I am very much interested, of course, to know if they intend to extend those purchases in that country, or whether it is to be left to the purchases proposed in the winter bill. In connection with the game, that Dry Hill country forms an area which is fed over by the elk in the spring and fall, and many elk winter there, some throughout the entire winter, and some come to the feed grounds lower down possibly for a month. This summer sheep are being grazed in that country on deeded land, which is not fenced, which formerly the elk have been able to use.

Chairman NYE. Who owns the land?

Mr. ABERCROMBIE. The land is owned largely by residents of Teton County, sir. It was formerly homesteaded and the homesteads have been purchased by residents of Teton County I believe. I wanted to bring forth the point especially that this ground, on which elk have naturally fed since I have been in the country, is now being fed over by sheep and that much feed taken away from them.

Senator CAREY. Has that land been bought up for speculation?

Mr. ABERCROMBIE. I believe so, sir. I have no documents to sustain my statement, however.

Senator CAREY. Was it formerly cultivated?

Mr. ABERCROMBIE. A large part of the deeded land has been cultivated.

Senator CAREY. Have the fences been torn down?

Mr. ABERCROMBIE. By the elk, largely.

Senator CAREY. Not by the owners?

Mr. ABERCROMBIE. Not by the owners; no.

Senator CAREY. Do you know who the owners are?

Mr. ABERCROMBIE. I think I could know them.

Senator CAREY. Who are they?

Mr. ABERCROMBIE. Mr. Neilsen, Dr. Huff.

Senator CAREY. Were they bought on tax title?

Mr. ABERCROMBIE. I have not inquired as to how they were acquired.

Senator CAREY. That is in the area that the winter bill would cover?

Mr. ABERCROMBIE. No.

Senator CAREY. I do not think there is any disagreement as to the elk in there.

Mr. ABERCROMBIE. I want especially to call attention to the fact that that feed is being used this summer.

Chairman NYE. Is there anything more, Mr. Abercrombie?

Mr. ABERCROMBIE. I believe not.

Chairman NYE. We thank you.

(Witness excused.)

TESTIMONY OF MRS. S. R. DALE

Examination by Chairman NYE:

Chairman NYE. Your name is what?

Mrs. DALE. S. R. Dale.

Chairman NYE. You are the county superintendent of schools, are you not?

Mrs. DALE. I am.

Chairman NYE. I am aware of the fact that these people from Mormon Row desire to be heard.

Mrs. DALE. I want to add my wail.

Chairman NYE. Proceed with what you desire to say.

Mrs. DALE. Well, I think practically everything in Jackson Hole has been considered, and that all very keenly, by the people in the town of Jackson. Naturally, we claim Mormon Row as one of our last strongholds as an agricultural country, and if this is to be put into the park my plea to you is to take the town and all and make a clean, slick job of it, because, as was stated the other day, at this meeting at the JY Ranch, when it was conceded making this new park, Teton Park, it was understood that that was the end of the park business. I was a school teacher for 50 or more years, I had a few dollars I had saved, and we thought the coast was clear, that the park business was settled, and that we could build a home to live comfortably the rest of our lives, perhaps, because we thought the thing was settled. So we came here—we had been here for some time before, but I am speaking for that type of people, there are others besides me and I am not pleading for myself, but I had several women in the audience today and yesterday ask me to get some one to present this side of the matter. You heard the Mormon Row people tell you they had been wrecked, because the upper country had been sold out and there is no market for them any more. If you take the Mormon Row country and take all of this land off taxation there is nothing for us in town to do but starve slowly. We do not want our eyes picked out by the crows, but how can we make a living and educate our children unless the Snake River Land Co. will buy the town, too? I am for the elk. If you think, and if the Nation thinks—I am not an authority on this—I am willing to give up my rights, if it is conceded by the Nation that this land is more valuable for elk purposes, and that it should be preserved for future generations. I am not the one to stand up here and say I know better; I do not know. If all of this country is to be thrown into the park, certainly human beings in the town of Jackson are due consideration.

Senator CAREY. You do not think a "museum on the hoof" would support the town, then?

Mrs. DALE. I cannot see how it would. If you are going to take all of this country and put it into a park, please take the town. Here, of course, is the south park man coming up, and saying, "Oh, Lord, take the south park too, because we cannot exist." There is nothing but to take the thing from rim to rim and do it quickly, and get the suffering over with. For instance, our school situation: These people on Government lands, that is fine, they have a nice summer, but they do not pay school taxes, and their children have to be educated. You will leave us with a home that is a nice place to live in.

I do not even hope to be county superintendent again, because the Snake River Land bunch has almost put me out of it. I have never believed in this park situation, of course. You know the sad part of this park extension business has been the feud—you might say a Kentucky feud—I might say would be tame alongside the fuss on this business. I do not know why some people are strong for park extension. They have, I guess, a more Christian heart than I have. I cannot figure why they need all of this country for the elk. You heard Mr. Fessler tell you that the moose has increased, and why do we have to have all of this country thrown into a park to help some transportation company? If we need it, I am for it; you fellows decide, but take us, too.

Chairman NYE. Are you satisfied that the elk are having all of the care and attention that they need?

Mrs. DALE. I am not an authority on elk, but I have heard the testimony and I followed it closely that they have 20,000 head, and that that is all they wish to have.

Chairman NYE. Do you know by experience that there has been a large death rate among them by reason of starvation?

Mrs. DALE. That was just before I came. I came when this dry year came, when the cattlemen lost their cattle; I do not believe any one could foresee that, that did unavoidably happen, it is too bad. I am not an authority on elk, but I am judging from the witnesses here, who testified in this case that the elk are doing fairly well.

Chairman NYE. Mrs. Dale, the Snake River Land Co. has been engaged in these purchases in the north country for quite some years; let us assume that they have never engaged in the purchase of an acre of land, how much revenue do you approximate would have been collected for the county in the way of taxation in that same territory?

Mrs. DALE. Well, I think that the taxes in Teton County would have been paid as well or better as the taxes in Kansas or Missouri, or any other agricultural country. I think there would be delinquents, but they have been in all parts of the United States, and I do not think that necessarily applies to Jackson Hole.

Chairman NYE. I get your point.

Mrs. DALE. I think perhaps there would be some delinquents, but we have that tax money, and have been reminded of it every little while, and the checks have come in, for which we are very grateful.

Senator ASHURST. Your attitude is this—here are two species of God's creatures, elk and people, and you are on the side of the people?

Mrs. DALE. I am on the side of the folks, and I ask you to do this quickly, because we are going to lose our homes. All of these things have been stopped. You have heard evidence of road construction held up, and there has been no building, and that is true; nothing to do to make a dollar, and the women have had to get down and scratch and do everything we could until this thing is settled. There is no use to try to hang on longer, because our homes are gone unless this country is opened up and left to develop in a natural way. Some of us are pretty old women to start in again to colonize, and I do not know but what I would as soon move if somebody would pay me dollar for dollar for everything I have invested in Jackson, but I do not think it is the right thing to do to put this country into the park and then abandon it and somebody will have to buy it. Some of

the homes will be used by officials and the rest will be burned. Unless the teachers' wages go up it will be a long slow job for me. That is my plea, so please take the town, too.

Chairman NYE. Thank you, Mrs. Dale.

(Witness excused.)

TESTIMONY OF FRANK J. EDMISTON

Examination by Chairman NYE:

Chairman NYE. Give the reporter your full name.

Mr. EDMISTON. Frank J. Edmiston.

Chairman NYE. Where do you reside, Mr. Edmiston?

Mr. EDMISTON. Up at Grovont, Mormon Row.

Chairman NYE. You are from Mormon Row?

Mr. EDMISTON. Yes, sir; just east of Mormon Row.

Chairman NYE. Have you indicated at all a desire to be heard?

Mr. EDMISTON. I think you called up my cousin.

Chairman NYE. What is his name?

Mr. EDMISTON. David Edmiston.

Chairman NYE. He resides in the country south of Jackson?

Mr. EDMISTON. On the other side of Snake River.

Chairman NYE. Has he been here this afternoon?

Mr. EDMISTON. I have not saw him.

Chairman NYE. He will probably be around here this evening, but perhaps, as you are here, you have something you wanted to say.

Mr. EDMISTON. Only this, that it has held up the progress of the country up on the Row—building, and so forth, as that.

Chairman NYE. You mean this project has?

Mr. EDMISTON. Yes; we do not know whether to go ahead or stand still.

Chairman NYE. You are a property owner in the Row?

Mr. EDMISTON. I have worked for years; I rent a place there.

Chairman NYE. You have heard the testimony of the others of your neighbors this afternoon; do you agree in what they have testified?

Mr. EDMISTON. Yes, sir.

Chairman NYE. Very well, Mr. Edmiston, thank you.

(Witness excused.)

Chairman NYE. There is one other who has requested that he be heard before we close, but I think we had better hear him later on, or now, perhaps, that would be the best time.

Mr. PICKETT. I have one witness, a short one, whom I would like to put on at this time.

Chairman NYE. Very well.

TESTIMONY OF PETER C. HANSON

Examination by Mr. PICKETT:

Mr. PICKETT. Give your full name to the reporter.

Mr. HANSON. Peter C. Hanson.

Mr. PICKETT. You were formerly chairman of the board of county commissioners, Mr. Hanson?

Mr. HANSON. Yes, sir.

Mr. PICKETT. And you operate a ranch south and west of Jackson?

Mr. HANSON. No; it is a little north and west. I have two ranches, one north of the Gros Ventre, and one across this pass here.

Mr. PICKETT. How many years have you been here?

Mr. HANSON. I came here first in the year of 1897. I have been here continuously since 1906; I was in and out more or less up until that time.

Mr. PICKETT. How many cattle do you run now?

Mr. HANSON. About 1,200 head.

Mr. PICKETT. How much hay do you cut on your ranches?

Mr. HANSON. I have not measured my hay for some time. One year I put up a little better than 900 tons on the lower ranch, and 720 on the upper ranch. I think my upper ranch will do better than that this year, perhaps 900 tons there.

Mr. PICKETT. You have been here a great many years and been active in the community, and I would like to have you say whatever you have to say.

Mr. HANSON. Well, I have no fight with the Snake River Land Co. A lot of this land was bought in here, we did not know where it was going, what they were going to do with it, and later on the Snake River Land Co. offered what they call the Jackson Hole plan, or at least it was connected with the Snake River Land Co. It sounded to me like that was pretty good, if everything was going to go, which a great many of us thought it would. We did not know what was to be done and I could not find out.

Examination by Senator CAREY:

Senator CAREY. The so-called "Jackson Hole plan" was submitted by Mr. Deloney, Mr. Winger and Mr. Ferrin, wasn't it, rather than by the Snake River Land Co.?

Mr. HANSON. I think Mr. Deloney pretty much takes the credit for it.

Senator CAREY. The Snake River Land Co. did not itself offer a plan?

Mr. HANSON. I do not know that they did; they seemed to endorse it, the officials of the company.

Senator CAREY. I do not know that they did; I think it was originally offered by those four men.

Mr. HANSON. Very likely it was.

Senator CAREY. Mr. Eynon testified to that.

Mr. FABIAN. So there will be no misunderstanding, the Snake River Land Co. has never adopted that so-called "Jackson Hole plan."

Chairman NYE. I think the witness wished to convey the thought that somebody now connected with the Snake River Land Co. was instrumental in forming the Jackson Hole plan, because the Snake River Land Co. was not in existence at the time this plan was formulated, you remember.

Mr. HANSON. I think it was.

Senator CAREY. That is, the last plan?

Mr. HANSON. I am referring to the plan that offers to take care of the county in a way to meet their obligations until such time as they are able to meet their own obligations, and to allow the cattlemen to drift across this area south of Dodge Creek around Blacktail Butte, and up around Grovont. They offered a drift for our cattle, and the cattle was supposed to use this area from the time they

turned off the ranges until allowed on the forest reserves, and until ejected from the forest reserves until they got back on the ranches again.

Senator NORBECK. In other words, it is the spring and fall grazing?

Mr. HANSON. Yes, sir; that is what it amounts to. Now, the thing in my mind, that has been sticking with me, was, will this privilege be allowed us, and, if it is allowed, how long will it continue. Will there be any permanency to it? I have felt that if we were to be given those privileges there should be a stipulated time, 50 or 100 years, such a matter, so we would know where we are at—not less than 50 years.

Senator NORBECK. I have been confused on the question of drifts and grazing. Some witnesses testified that the spring and fall drift amounted to grazing, and my thought, when I came here, was that it was a place to drive cattle through. I want to be sure that the committee understands what the plan is, whether these people are donating this land for the purpose of grazing, or simply accommodating the settlers who now drift across to the forest.

Mr. HANSON. As I understand it, we are allowed the privilege to cross that country from the time we turn them from our fields—the privilege of grazing that country.

Senator NORBECK. What do you base that on? Where were those statements made?

Mr. HANSON. Why, Winger gave it to me, for one, in what they called the Jackson Hole plan.

Senator NORBECK. Mr. Winger is your understanding substantially the same as Mr. Hanson's?

Mr. WINGER. Yes, Senator Norbeck. The Jackson Hole plan, you understand, was presented to the Wild Life Committee, and was merely a suggestion for a plan for settling this controversy, and in that plan was a stipulation that the cattle be allowed to drift, as it was said, from the time they turned off their winter feeding grounds until they could get on to the summer ranges. That drift, in the sense we meant it, was the right to graze.

Senator NORBECK. That matter of drift was a suggestion by you people who originated the Jackson Hole plan?

Mr. WINGER. That is it.

Senator NORBECK. Rather than a proposition made by the present owners of the land, is that right? I want to understand this matter.

Senator CAREY. Mr. Webb, in his statement of the offer here—I think the same as Mr. Fabian—he says—

the United States Government to make provision for cattle to have the right to cross National Park Service lands to and from the ranches in Jackson Hole and the summer ranges.

This proposition is "to cross."

Senator NORBECK. It is the "crossing", rather than the "grazing."

Senator ADAMS. In the original Deloney plan are these two paragraphs, broader than that—

that the upper Gros Ventre should be kept open to summer ranging of cattle, without the harrassing restrictions now imposed. That, where and when necessary, suitable crossings and thoroughfares be provided through park areas for cattle going to and from summer ranges.

That is considerably broader.

Senator CAREY. This last was Mr. Webb's?

Senator ADAMS. No, this is the Deloney plan.

Mr. HANSON. I want to state further that I have always opposed Park extension. The only reason I would consent to this other plan was because I felt this land was going, and I felt we had better get something out of it, than nothing. One reason I opposed Park extension, even though allowed those privileges, was that we are troubled a great deal with predatory animals killing our stock. This would be a breeding ground, it would be a detriment to us, I do not believe we would have been allowed to kill animals in the Park.

Sentor NORBECK. Do not the Park officials kill predatory animals?

Mr. HANSON. I do not believe they do.

Senator NORBECK. Aren't there bear in this country?

Mr. HANSON. Yes, we have had a great many in our country.

Chairman NYE. They are not trained for highway hold-ups?

Mr. HANSON. I think not, although I have heard of one that held up some fellow on the hill here, but I think it was a Yellowstone Park bear.

Senator CAREY. Didn't you have the fear that if this went into the Park and you did not have the right to cross, you would never be allowed to graze?

Mr. HANSON. I did. I had the fear that they would impose such restrictions on us it would be of no benefit to us.

Senator CAREY. Do you drive your cattle, or do they drift of their own accord?

Mr. HANSON. Usually we turn them out, and when we can get off the forest reserve we drive them off.

Senator CAREY. These driftways are really driveways?

Mr. HANSON. In a sense, they are, but we are allowed to graze there quite a while.

Senator CAREY. What is the width of this driftway?

Mr. HANSON. Winger said we would be allowed everything on the south side of Dodge Creek and up to the farther end of Blacktail Butte; that, I would say, was 6 or 8 miles across.

Senator NORBECK. Were these drifting places, accorded you on private lands before, provided by the Snake River Land Co.?

Mr. HANSON. No, sir, it was not.

Senator NORBECK. Is it accorded you now?

Mr. HANSON. It is not.

Senator CAREY. You had Government lands there on which you could cross?

Mr. HANSON. It was pretty much a case of driving through lands, but after the flood the bridge was taken out and it was very inconvenient to get across. The time we had to move to the range the river was high, and since that we have been crossing at the bridge down below, drifting up over this area.

Senator CAREY. The situation, of course, as to moving your cattle is better now than it was then?

Mr. HANSON. Very much better. As long as we can enjoy that privilege, it is very much better for us, but there are other interests there that should be considered as well as the cattlemen. I feel I can get along, and if I can get these privileges, it is very nice for me, and I would never want to sell out, and I don't want to sell now. What little I have, I have made here.

Senator NORBECK. Did the Snake River Land Co. ever try to buy you out?

Mr. HANSON. No, they never have, but Mr. Winger said they would buy me if I wanted to sell.

Senator NORBECK. Are you within the area that they are trying to acquire?

Mr. HANSON. Yes, if they take the area below here, including the Winter bill.

Senator NORBECK. The Winter bill, of course, would be a Government purchase?

Mr. HANSON. The Jackson Hole plan includes the Winter bill, and if they took that, that would include the 160 acres I have up north of town here, and 600 acres I have at the mouth of the Gros Ventre.

Senator CAREY. The Winter bill would ruin you?

Mr. HANSON. It certainly wouldn't help me—at least, I can't see it.

Senator NORBECK. How much other land do you have besides those two tracts?

Mr. HANSON. I have about 400 acres, but a good deal of it is hilly ground here, this hill right out here belongs to me.

Senator CAREY. The elk feeding is quite a problem with you?

Mr. HANSON. Yes, they have to be fed, but I don't get nothing for it.

Senator NORBECK. The elk in their migrations have caused a good deal of loss to you?

Mr. HANSON. Not so much in their migrating, but they drift over into the valley where they feed up all of my hay.

Senator NORBECK. They get right up on top of a haystack?

Mr. HANSON. Yes, and you have to fence them out.

Senator NORBECK. You have to fence each stack separately?

Mr. HANSON. Certainly; and I have conceived the idea of taking lumber, about a 1 by 10 or a 1 by 4 and nailing them across and making it tight against the stock, and building it up about 8 feet high, and leave it sticking out just a little at the top, so they can't reach over. That is the most effectual means I have of keeping the elk out, but it is not a small expense.

Mr. PICKETT. How long were you county commissioner?

Mr. HANSON. I was county commissioner for 10 years.

Mr. PICKETT. Do you know approximately the total amount of taxes collected in the county each year, up until now?

Mr. HANSON. I don't believe I can give that.

Mr. PICKETT. In your opinion, from your experience in running the county, would it be possible to maintain the county organization without the income from the area now within the Snake River Land Co. project?

Mr. HANSON. Absolutely not. Our county has been run very economically. Mr. Neilson, our county attorney here, has kept us from having jury trials to a very great extent, and whenever you have jury trials it is very expensive, but we have only had one of them, and we built the courthouse, and that cost us about \$8,000, furnished, and we couldn't have gotten that at all if we had not been very careful. If this property is taken away from us and we cannot get the taxes

from that land, it is just impossible for us to run and it is impossible for us to function.

Mr. PICKETT. Are you familiar with the boundaries of the present project, the one that is here under inquiry?

Mr. HANSON. I don't believe I am.

Mr. PICKETT. Do you know approximately what percentage of the privately owned land in the county is included within that area?

Mr. HANSON. I think I have some record here that would give about what was included. This was in 1930. You want the privately owned lands in 1930 that is included in this project?

Mr. PICKETT. My thought was, I wanted to find out if you knew the approximate percentage?

Senator CAREY. It figures about one fifth.

Mr. HANSON. I have a list of the privately owned land here that was included in the Jackson Hole plan.

Mr. PICKETT. But in the present project?

Mr. HANSON. No, I haven't that.

Mr. PICKETT. The Jackson Hole plan is much larger than the present Snake River Land Co. project, isn't it?

Mr. HANSON. No, I haven't that information as to those lands.

Mr. PICKETT. Now, do you know whether or not, Mr. Hanson, there has been any increase in taxable values in the county here during the Snake River Land Co.'s activities?

Mr. HANSON. I think it has held about even. There has been quite a lot of private property removed after their purchases, but there has been some raises in that part of the land that they own.

Mr. PICKETT. Has there been any increase in the taxable values in the town of Jackson since then, do you know?

Mr. HANSON. The assessor has raised the values.

Mr. PICKETT. I mean, has there been any increase without the raise in the levy?

Mr. HANSON. Since they began buying?

Mr. PICKETT. Yes.

Mr. HANSON. Yes, I think there has been some increase. Mr. Richards, after he sold out, spent quite a lot of money here in the way of building and acquiring property, and others have, too.

Mr. PICKETT. In other words, some of these people moved into town and spent their money?

Mr. HANSON. Yes.

Senator NORBECK. The land in this State is assessed at about what it would sell for on a cash sale, is that right? The assessed value is about what it would bring on a quick sale?

Mr. HANSON. I think pretty close.

Senator NORBECK. The State law provides that it must be assessed at its full value, don't it? I have been so informed.

Mr. HANSON. I believe that is about it.

Mr. PICKETT. What is the practical method in fixing that assessment?

Mr. HANSON. At about what the land is worth.

Mr. PICKETT. About what it would sell for?

Mr. HANSON. There is some grazing land that has been assessed higher than what it would change hands for.

Mr. PICKETT. That is done through the State board of equalization, isn't it?

Mr. HANSON. Yes. The commissioners here put the value on the land, and that value has been pretty high. We have had to have a high valuation in order to function.

Mr. PICKETT. Do you know whether or not there has been any increase in population in the county of Teton or in the town of Jackson since these activities began?

Mr. HANSON. There has been an increase in population in the town of Jackson, and I believe there are a few more people in the county.

Mr. PICKETT. Now, you mentioned this plan in which Mr. Winger gave you this advice. Were there other people in your vicinity at that meeting?

Mr. HANSON. Yes; there were several people.

Mr. PICKETT. What I mean is, was Mr. Charter, Mr. Martin, Mr. Lucas, and Mr. Stein there—were some of those there?

Mr. HANSON. Yes.

Mr. PICKETT. Were you all about in accord at that time?

Mr. HANSON. Yes; to quite an extent.

Mr. PICKETT. You feel that you speak their views in what you have said here on the part of your neighbors?

Mr. HANSON. I believe that they feel pretty much the same way about it. There is one or two, I think, that strictly opposed any of these plans, no matter how it goes. Now, another thing that comes to mind, that I would like to touch on, was how cold it gets here. The statement of Dr. Huff is what I have in mind. I wish to state that it very seldom—of course, we have weather when we have 60° below zero here, but I want to say further that our cattle run out in the open field without shelter, and they do very well, and when we go to market with our cattle we usually top the market wherever we go for grass-fed stuff. I took it from Dr. Huff's remark that you people would feel that we were in a country that was almost impossible to exist in, and that is not the case.

Chairman NYE. That is what the world believes of my country, and I am delighted to have company.

Mr. HANSON. I don't believe we feel the cold here like they do in the lower countries with the same temperature.

Senator CAREY. Haven't the cattlemen here done as well as the cattlemen in the rest of the State?

Mr. HANSON. I think they have. I have a number of friends and some relatives in the business in Idaho, which was considered a very good country when I came in here and filed on my land. Later on I proved up on it, and I stayed here, and when I found a piece of land that I wanted, I bought it, but I worked around very slowly, and I made the land pay its own way as it went, so that I wasn't paying interest and taxes on ground that was growing sagebrush, and then I bought other land, and I have continued to grow in that way, and I know that I am a good deal better off than a majority of the people that stayed back there.

Senator NORBECK. You have a very fine location here in the valley—there are very few equal to yours.

Mr. HANSON. I think I have a very good location, all right, although there are a number of places that is as good as mine. I believe that there are lots of ranches here that if the right man had been on them, in place of getting them in debt, they would have built them up.

Senator NORBECK. Do you also feel that the lands that the Snake River Land Co. have bought, if they had been in proper hands, they would have produced as your ranch is producing?

Mr. HANSON. Not all of them, by any means. There is a lot of land that was bought by the Snake River Land Co. that isn't worth any man's time to stay on them.

Senator NORBECK. And if they had not been bought would they today be paying taxes?

Mr. HANSON. I doubt it very much.

Senator NORBECK. The county revenue would not have been helped any by leaving that land in private ownership?

Mr. HANSON. I think it should have increased.

Senator NORBECK. It has increased, I think you said.

Mr. HANSON. Yes; some of the land that they bought, it should have increased on. The Ferrin holdings up there—there is no better land in the country—and I believe, as old a man as I am now, I can go on it and make some money.

Senator NORBECK. Yes; I think you will make a go of it anywhere you go. I don't think the location you are in makes any difference. Some men succeed, no matter what the difficulties are.

Chairman NYE. Is there anything further from Mr. Hanson? If not, that is all, Mr. Hanson and we thank you.

(Whereupon the witness was excused.)

Chairman NYE. Mr. Abercrombie has indicated a desire to correct a part of his testimony regarding the ownership of lands in Dry Hollow. Will you come forward, please, Mr. Abercrombie?

Mr. ABERCROMBIE. I testified that Mr. Nielson owned some land in Dry Hollow, but I have been informed by Mr. Nielson that previous to a year and a half ago he disposed of this land, so that he owns not an inch of land there now, and I wish to correct that wrong impression.

Chairman NYE. Thank you, Mr. Abercrombie.

Mr. RICHARDS. May I ask a question?

Chairman NYE. Yes; if it is material to this inquiry.

Mr. RICHARDS. Would it be possible for the Commission to find out at some future date if this whole country could not be bought?

Senator NORBECK. Ask a fellow that has the money to buy it.

Mr. RICHARDS. I mean by the Snake River Land Co., sir.

Senator NORBECK. Well, we will ask them. How about that, Mr. Fabian? Have you got the money, or are you ready to buy?

Mr. FABIAN. You will have to submit that to Mr. Rockefeller. I might add, however, that there has not been a great deal in the last year or two here that would encourage him in doing any more than he has done.

TESTIMONY OF R. H. RUTLEDGE

Examination by Mr. PICKETT:

Mr. PICKETT. You may state your name, please.

Mr. RUTLEDGE. R. H. Rutledge.

Mr. PICKETT. Do you hold any official position with the United States Government?

Mr. RUTLEDGE. Yes, sir; I am regional forester at Ogden.

Mr. PICKETT. By virtue of that position, what are your duties?

MR. RUTLEDGE. I have general supervision of the forest areas in Utah, Nevada, southern Idaho, and western Wyoming, including this territory.

MR. PICKETT. I understand that you have prepared a statement that you would like to read to the committee and have in the record?

MR. RUTLEDGE. Yes, sir.

MR. PICKETT. Very well. You may proceed.

MR. RUTLEDGE. I desire to call the committee's attention to one thing which is seriously retarding development in Teton County. There are about 715,000 acres of national forest land in the Teton National Forest, immediately south of the Yellowstone National Park, withdrawn by Presidential Executive order. The land is shown on the attached map.

Senator ADAMS. That is in yellow——

MR. RUTLEDGE. Yes, sir. This land was withdrawn first on July 8, 1918, pending action on a Yellowstone Park extension bill which was then before Congress. Again on January 21, 1921, the President by Executive order temporarily withdrew, under the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 29, 1912 (27 Stat. 497) the area indicated on the map for "the purpose of classifying said lands and pending enactment of appropriate legislation for their proper disposition."

The general instructions to the Forest Service from the Secretary of Agriculture relative to the administration and protection of national forest lands contains the following: I quote from the national forest regulations:

National forests have for their objects to insure a perpetual supply of timber, to preserve the forest cover which regulates the flow of streams, and to provide, for the use of all, resources which the forests contain in the ways which will make them of largest service. Largest service means greatest good to the greatest number in the long run. It means conservation through use, with full recognition of all existing individual rights and with recognition also that beneficial use must be use by individuals; but without the sacrifices of a greater total of public benefit to a less. In other words, the forests are to be regarded as public resources to be held, protected, and developed by the Government for the benefit of the people.

In the administration of the forest reserves (called national forests since Mar. 4, 1907), it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefits of individuals or companies. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

These are but excerpts from the instructions; however, they will give some idea of their intent.

I assumed general charge of United States Forest Region No. 4 in 1920. My headquarters are in Ogden, Utah; and there are 24 national forests under my general supervision, of which the Teton National Forest is one. In 1921 and 1922 I made a rather close personal examination of the area shown in yellow on the attached map, in company with Supervisor McCain, of the Teton National Forest, and others. As a result of this examination a plan for the development and use of the area was prepared. This plan provides, in general, for dividing the territory into two parts. The larger eastern part, including the Thoroughfare country, is to be kept in a primitive condition, with adequate provision for fire and other protection of

the resources, the development of big game, management plans, etc. The western division is to be developed by "special use" permits, under a detailed plan for location and numbers and the development of camp grounds and recreational areas for the public.

This plan could not be put into effect because of the withdrawal mentioned. Legally it might have been possible for the Forest Service to proceed with the issuance of permits within the area so long as such action did not cloud the Government's title; it may be that the Forest Service could do this without reference to any other governmental agency. However since the withdrawal was obviously made in the interest of Yellowstone Park extension, the Forest Service deemed it advisable to respect the intent of the withdrawal order and confer with the Park Service concerning action on the issuance of special use permits. The Park Service has in general disapproved the issuance of permits for the use of the withdrawn area. For several years the Park Service gave agreement to the issuance of temporary permits, upon very limited areas, but in 1930 the Park Service definitely declined to give approval to any permits whatever. Action looking toward the development of this area has been hampered ever since the first withdrawal order went into effect in 1918, and at the present time no development at all is possible.

It seems to me the matter can be summarized like this: The area was temporarily withdrawn more than 15 years ago pending settlement of the southern boundary of Yellowstone Park. During that period the southern boundary of the park has been exhaustively considered by both the President's Coordinating Committee, in 1925, and by the Yellowstone Park Boundary Commission, in 1929. However, no action has been taken as a result of the work of either of these commissions, and the result is that the withdrawn area is neither a part of Yellowstone Park, nor is it possible to administer it as national forest land. This matter needs attention and action, and it seems to me entirely proper for this committee to consider the matter.

The question of park extension on this area should be definitely settled in order that either the Park Service or the Forest Service can proceed with some assurance of permanency on the development of the area. There is a public demand for the use of the area, and the Forest Service has a plan that will meet that demand. The uncertainty resulting from the withdrawal is the only thing that stands in the way of immediate use and development.

Senator ADAMS. You say that the Forestry Department have a plan?

Mr. RUTLEDGE. Yes, sir.

Senator ADAMS. Has that plan ever been submitted?

Mr. RUTLEDGE. Not to the committee; no.

Senator ADAMS. I mean, has it been made public?

Mr. RUTLEDGE. It has not been made public; no.

Senator NORBECK. Could it be arranged to include that map with the others into our hearing, so that we may know what areas are not involved in this testimony?

Chairman NYE. All of the maps, I think, should be incorporated into the record, and whether they will be reproduced in the record will be for the committee to determine. I think it would be well to identify this map.

(Whereupon the map in question and referred to buy the witness was marked for identification as "Exhibit 59.")

Mr. RUTLEDGE. Mr. Chairman, may I proceed for a few moments? Chairman NYE. Yes; certainly.

Mr. RUTLEDGE. I haven't very much more to offer, and I am through with this statement, but I would like to talk for a moment.

Chairman NYE. Yes; we would be glad to hear you, Mr. Rutledge.

Mr. RUTLEDGE. I have listened with a lot of interest to the evidence given at this hearing. Many things have been brought out of which I knew little before. I may be presumptuous, but it appears to me that this big plan was conceived during the era of prosperity, and we have done the same thing in many other things—we forgot that some day money might be hard to get. Then came our hard times, and the merchant and the farmer and the stockman and the dude rancher all came to be in the same condition financially. I have listened to the evidence here and the discussion, and it seems to me that there is a tendency to run to more sane consideration of the value of our resources and how they should be used. We are running to the ideas of practical men. In other words, when I hear these men give evidence, I hear some say that they want to develop our resources to their best use. When I hear Mr. Winger and Mr. Fabian and Mr. Burt and Mr. Deloney, and later Mr. Toll, talk about game management, the providing of areas upon which to handle that game, and the handling of the hunting in order to utilize the game, and the question of State interest in this matter, and how much the State is going to get as its return, and the suggestion from two or three or more men here that there be summer homes in this area upon the Government-owned land, where they can be controlled; and when I hear them talk about the drift of cattle, which Pete Hansen mentioned, and the idea that they must use the summer range so that they can handle their cattle between the feed lot and the forest range, and when we begin to consider the shape of the spring range, and how we are going to meet it—when we get talking about those things, we are talking about things which sound very, very familiar to me, and that is, the simple Forest Service formula of using our resources to the best advantage. We have here in Jackson Hole a hundred and fifty thousand acres or so surrounded by many millions of acres of national park and national forest land which is in reality a wilderness. When I hear these discussions, I think about the situation as referring only to national forest lands and not with this proposition, because that is outside of my jurisdiction. I feel that, although we make some mistakes in the Forest Service, we have demonstrated that carefully planned use will meet most of these problems, that it will bring revenue to the State instead of a deficit; that land of this kind, such as the forest lands, can be handled without considering any Government subsidy. Just take the summer home matter for one instance. In this area that I was talking about, which is within the national forest and covered by an Executive withdrawal, we have a number of summer homes. The average value of those summer homes, the average assessed value, is about \$2,800. The Forest Service, or the Government, collects from \$15 to \$35 a year for all of those sites. The county taxes those summer homes. There is the revenue. The county also gets 25 percent of the gross receipts from the national forest resources. In normal times, during 1931,

Teton County received from the Forest Service \$7,300 for that year, but things are down now, because we have reduced the grazing fees to meet the serious condition of the stockmen, and other things have also fallen off.

In trying to work out our Forest Service problems in this area up here and in others, we have found it necessary to make a very careful study. We are always, all of us, inclined to do too much guesswork, and I think we have seen that demonstrated here, that there has been a lot of guessing about acreage of land and about taxes, and so forth, and about what we could do. The Forest Service is being drawn into this park extension problem because of the proximity of the forest lands, and we are urging an economic study of this entire situation. We have not had much success in getting anyone to join with us, except some of the people of Jackson Hole. Under my instructions, Supervisor McCain has made quite an exhaustive study of this matter. I think Senator Carey is familiar with that in a general way.

Senator CAREY. Yes; it is very complete.

Mr. RUTLEDGE. I think before the committee adjourns, we will ask to have Mr. McCain submit a copy of that, and discuss it with you, if you see fit.

I think I will call up a point here that there has been some discussion about, to the effect that there is jealousy among departments. I am not aware, I am not conscious, that the Forest Service is jealous of anyone.

Senator NORBECK. Do you know of any department that thinks they are jealous of any others?

Mr. RUTLEDGE. We have got all we can do.

Senator NORBECK. Yes; and they all want more to do.

Mr. RUTLEDGE. I would like to make it clear here that the Forest Service is not seeking any additional territory. I would also like to make it clear that the Forest Service has no designs upon the game of the State, but that we recognize that belongs to the State and should continue there.

Senator NORBECK. You feel that this area should better be left under the Forest Service than to go into a park?

Mr. RUTLEDGE. No, sir; I am not expressing that opinion.

Senator NORBECK. I know you haven't, but you are going all around that question. Do you feel that they can handle it better than the Park Service if they get it?

Mr. RUTLEDGE. We want it settled right.

Senator NORBECK. I remember, 4 years ago, when we were here, there was another department that was brought in on the question of conserving the elk, and that was the Biological Survey, and after 3 or 4 days here, I came to the conclusion that they were very much in favor of saving the elk, but they didn't want to save them unless they could handle the job. They were simply jealous of the other departments. I beg your pardon for interrupting you. Now you may go ahead.

Mr. RUTLEDGE. I think, Senator Norbeck, in answer to your question, I can honestly say that we do not want the territory.

Senator NORBECK. But you have it now, haven't you?

Mr. RUTLEDGE. No, I mean this territory which has been under discussion here.

Senator NORBECK. You don't mean the forest lands?

Mr. RUTLEDGE. We want all of the territory we have; yes, sir. We think we can administer it.

Senator CAREY. But you do want to be allowed to go ahead and administer the part that is in the forest?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. You have not been permitted to go ahead and do that?

Mr. RUTLEDGE. No.

Senator CAREY. You have had to do what the Park Service said in certain particulars, in certain areas here, is that true?

Mr. RUTLEDGE. Yes.

Senator CAREY. You spoke about these summer homes. Haven't you got several applications for summer homes on file at this time?

Mr. RUTLEDGE. Yes, we have a large number of them.

Senator CAREY. And where you grant permits for summer homes, you can control the type of building?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. And you can control the location?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. And you can refuse to grant a permit where it might be damaging to the scenery or the person would establish some kind of business that is undesirable?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. You can do that under your rules and regulations?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. And, at the same time, you can preserve the scenic beauty of the country?

Mr. RUTLEDGE. Yes, sir.

Senator CAREY. In fact, you could do everything that it is necessary to do?

Mr. RUTLEDGE. Yes, sir; I think so.

Mr. PICKETT. You stated you had a plan. Did that involve this particular Snake River project?

Mr. RUTLEDGE. We have a special plan for this area that I have in mind, which has never been——

Chairman NYE. That does not include the Jackson Hole, does it?

Mr. RUTLEDGE. No, sir.

Chairman NYE. Could you, under the law or under your regulations, administer this particular area? Are you familiar with that?

Mr. RUTLEDGE. This area here [indicating on the map]?

Chairman NYE. No, the area within the Snake River Land Co. project. Are you familiar with that?

Mr. RUTLEDGE. Yes, I am familiar with it. We could.

Chairman NYE. The most of it, I understand, is forest land, and I am just asking if it was——

Senator NORBECK. Ask any bureau down in Washington if they can do it, and they will tell you they can. I want to cast no reflection on the witness or the Forest Service. I think the Forest Service have done a splendid work, but at times I disagree with them. I try to be helpful to them, but the main trouble with the Forest Service is trying to get them to grow shade trees on the highway, but they believe that any tree that is big enough to be pretty is big enough to make lumber, and I don't believe those stumps look good. That is my principal contention with the Forest Service. Now, when it comes down to the

question of whether this should be in the park or forest, of course, each department wants all of the employees they can get.

Mr. RUTLEDGE. Yes, as long as you can keep your big nice trees, and they stand, that's fine, but we have so many enemies of trees that take the trees. For instance, Yellowstone Park has just escaped by a shave of having that beetle epidemic which has devastated thousands of acres of forest lands over the West. These enemies of the trees take the old trees, like you and me, you might say, and we are getting to the point where we may say the removal of the old tree is a good thing for the forest and the young tree that comes along is a much more permanent and better thing.

Senator NORBECK. Oh, yes, I find no fault with that, but I do find fault with the viewpoint of the Department that every tree that is big enough goes into lumber, and you see nothing but the ugly stumps all along the highway. I have spent hours with the Forest Service people about that, and I want to congratulate you on your viewpoint on it.

Chairman NYE. Have you anything further, Mr. Pickett?

Mr. PICKETT. Are you familiar with the number of acres of land within the national forests in the State of Wyoming?

Mr. RUTLEDGE. You mean the total number of acres?

Mr. PICKETT. Yes; the total number of acres in the State of Wyoming?

Mr. RUTLEDGE. I could make a guess at it. I would say several million acres. However, that would not include the eastern part. I only know about my own territory out here.

Mr. PICKETT. You say there are approximately 7,000,000 acres of land in the national forests within the western part of the State of Wyoming?

Mr. RUTLEDGE. No; I said several millions.

Mr. PICKETT. And that does not include the national parks?

Mr. RUTLEDGE. No.

Mr. PICKETT. You are not so familiar with the details of this particular area as to the availability for summer homes?

Mr. RUTLEDGE. If Mr. McCain is to follow me, he can give you those details better than I, and I believe that would be much better.

Mr. PICKETT. How long has it been since you have been able to grant more than a year-to-year permit within the area shown on the map, which is exhibit 59?

Mr. RUTLEDGE. At no time have we granted more than a year-to-year permit in that territory.

Mr. PICKETT. What is the policy in other national forests where there is no restriction?

Mr. RUTLEDGE. We can grant more than a year-to-year where the investment is permanent and the person is sure of staying, and we have authority to grant a 15-year permit or a 30-year permit, which is what we call a term permit.

Mr. PICKETT. Have you within the other areas within the national forests within your jurisdiction issued any number of such permits?

Mr. RUTLEDGE. Many of them.

Mr. PICKETT. What, generally, is the purpose of them?

Mr. RUTLEDGE. For anyone who wants to build any valuable improvement, such as a summer home or a hotel, or anything like that, who desire a longer tenure.

Mr. PICKETT. Hotels have been built on this sort of permit?

Mr. RUTLEDGE. Yes, sir.

Mr. PICKETT. Generally, what is the nature of these summer homes that are built on such permits?

Mr. RUTLEDGE. Speaking of the average, it is just a good family house, nicely located, and costing, as I said, in this particular region, an average of about \$2,800 or \$3,000.

Mr. PICKETT. Have you a similar situation that you have within that particular area any place else within the national forests in your jurisdiction?

Mr. RUTLEDGE. No, sir; we have no other territory tied up in that way.

Mr. PICKETT. This morning Mr. Sheffield testified that he had built a home on a piece of property on a year-to-year permit. Are you familiar with the terms of that?

Mr. RUTLEDGE. Yes, sir.

Mr. PICKETT. What rights has he in case that permit would be canceled?

Mr. RUTLEDGE. So long as the land remains under the jurisdiction of the Forest Service, that permit could not be canceled except for a violation of the terms of the permit.

Mr. PICKETT. That is, a year-to-year permit?

Mr. RUTLEDGE. Yes, sir. In fact, he is entitled to an extension unless there is a violation.

Mr. PICKETT. For how long?

Mr. RUTLEDGE. Indefinite.

Mr. PICKETT. So, with a home similar to his, as long as it is within the jurisdiction of the Forest Service, your regulations protect him?

Mr. RUTLEDGE. Yes.

Mr. PICKETT. Unless he violates the rules?

Mr. RUTLEDGE. Yes. I would just as soon have that as to have a deed to the property. Should the land pass from the jurisdiction of the Forest Service, however, the permit becomes void.

Mr. PICKETT. Have you testified, Mr. Rutledge, the year that that withdrawal was made?

Mr. RUTLEDGE. Yes, sir; it was in the statement. It was in 1921.

Mr. PICKETT. I have nothing further.

Chairman NYE. Then that is all, Mr. Rutledge. Thank you.

(Whereupon the witness was excused.)

Chairman NYE. Mr. Deloney, during his testimony, requested that the committee make sure that Dr. Murie of the Biological Survey be called to state his experience as relating to elk. An effort has been made to reach Dr. Murie, but he has left the community. However, a statement will be invited from Dr. Murie for incorporation in the record.

Senator NORBECK. Senator Deloney told me he wanted Dr. Murie to testify on the question of the congested feeding of the elk, being of the opinion that it tended to spread disease, and would be destructive if carried too far. May I ask that Dr. Murie be permitted to file a written statement to be considered as part of this record on that question?

Chairman NYE. That is what he is being invited to do, Senator. The committee will stand in recess until 7:30 o'clock this evening.

(Whereupon, at the hour of 5:50 p.m., the committee stood in recess.)

Pursuant to adjournment, the hearing reconvened at the hour of 7:30 p.m., whereupon the following proceedings were had:

TESTIMONY OF A. C. McCAIN

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please.

Mr. McCAIN. A. C. McCain.

Mr. PICKETT. Where do you reside, Mr. McCain?

Mr. McCAIN. Jackson.

Mr. PICKETT. How long have you lived here?

Mr. McCAIN. Fifteen years.

Mr. PICKETT. What official position, if any, do you hold?

Mr. McCAIN. I am supervisor of the Teton National Forest.

Mr. PICKETT. How long have you been supervisor of the Teton National Forest?

Mr. McCAIN. Fifteen years.

Mr. PICKETT. You have been continuously in that position?

Mr. McCAIN. Yes, sir.

Mr. PICKETT. You are acquainted with the territory within the boundaries of the Teton National Forest?

Mr. McCAIN. Yes.

Mr. PICKETT. You have made a detailed study of it?

Mr. McCAIN. Yes, sir.

Mr. PICKETT. With that in mind, Mr. McCain——

Mr. McCAIN. I did this, in line with the general administration of the forests.

Mr. PICKETT. Does that particular study include the Jackson Hole country?

Mr. McCAIN. It does, in a way, since it is intimately tied up with the Jackson Hole country.

Mr. PICKETT. And are you familiar with the project known in this community as the Snake River Land Co. project?

Mr. McCAIN. I am familiar with the outlines of it, yes, and the general area.

Mr. PICKETT. Generally, you know about it?

Mr. McCAIN. Yes.

Mr. PICKETT. Have you, Mr. McCain, prepared a report of any kind in connection with this territory?

Mr. McCAIN. I have.

Mr. PICKETT. First, I would like to ask you, do you recall how many acres there are within the Teton National Forest?

Mr. McCAIN. There is 1,802,000 and some odd acres, net area.

Mr. PICKETT. Is most of that in Teton County?

Mr. McCAIN. Yes, the greater part of it is in Teton County.

Mr. PICKETT. What other national forests are there joining the Teton National Forest and in the northwest part of this State?

Mr. McCAIN. There is the Shoshone on the northeast, and the Washakie east, Wyoming south, Targee in Idaho on the west.

Mr. PICKETT. What is their acreage, do you know, compared with the Teton National Forest?

Mr. McCAIN. The Teton is the largest one of them.

Mr. PICKETT. You referred to a report, which you had prepared in connection with this community; is that an economic report?

Mr. McCAIN. It is so called, yes.

Mr. PICKETT. When was that made?

Mr. McCAIN. Last winter.

Mr. PICKETT. Have you that report with you?

Mr. McCAIN. Yes, sir.

Mr. PICKETT. Will you produce it? I would like to have you explain it to the committee, and by "explaining it", I mean what it goes into, and the methods you used in arriving at your conclusions.

Mr. McCAIN. It is rather voluminous, to go into in detail in a short time.

Mr. PICKETT. I will ask you first, Mr. McCain, is that report in such condition that it can be included in our record, with the map?

Mr. McCAIN. I think so.

Chairman NYE. Mr. McCain, has the report been submitted to the Forest Service headquarters in Washington?

Mr. McCAIN. Yes, sir.

Chairman NYE. They have a copy of it?

Mr. McCAIN. I believe so.

Chairman NYE. Has it been printed?

Mr. McCAIN. I think not.

Chairman NYE. Do you have any expectation that it might be printed?

Mr. McCAIN. It is a hard time to get anything printed this year; I do not know whether they will print this or not.

Mr. PICKETT. I think of this particular report the map is really one of the important features of it. Go ahead, Mr. McCain, and explain that report as briefly as you can, so the committee will have an idea of it.

Chairman NYE. Let us have an understanding regarding this. The report is going to be received as part of the committee's record, is it not?

Mr. PICKETT. That is the purpose and the plan.

Chairman NYE. Has it been received yet?

Mr. PICKETT. No; it has not.

Chairman NYE. Let us receive it at this time and then the committee can determine relative to its printing after it has definitely come to know that the Forest Service itself has not printed it as a document. By receiving it in that manner I hope Mr. McCain can, in a brief summary of the report, make it truly part of his general report. I want to assure Mr. McCain, as one member of the committee, that his report, no matter how much in detail he may go into it, or how generally he may go into it tonight, will be as thoroughly followed by myself as any other part of the record. I have always made it a practice to follow very closely everything that is offered for the record. We will receive it and make it a part of the record.

Mr. PICKETT. It is the understanding that it is to be attached as an appendix and not copied into the record?

Chairman NYE. That is right.

Mr. PICKETT. Will you continue, Mr. McCain?

Mr. McCAIN. I might say, by way of explaining, that for 15 years I have been more or less intimately brought in contact with the so-called "park extension." I do not like that term, but it is expres-

sive and everybody knows what it means. We have endeavored in all that time to mark time, as it were, in a great many things, hoping it would be settled. Last winter I was directed to prepare this economic report, believing that it might help to solve the situation, or help to settle it. The report has been prepared without any idea of selecting any one certain enterprise or one certain resource, but it is an endeavor to collect and tabulate and evaluate, in a way, all of the resources of this entire region, not of Jackson Hole alone, not of any Teton forest alone, not any particular section of it anywhere alone, but the entire area as one unit, which, as I see it, is one economic unit. Any considerable section of it taken out and treated independently will be reflected, in a great degree, on the remaining part of it. That is the spirit in which the report has been prepared. I do not know the best way to summarize it, perhaps just to run through it. This is a summary of the resources that I found during the investigation—agricultural resources. This is summer range for 20,000 sheep, summer range for 17,890 range cattle, and year-long hay for them; this is winter forage for that many cattle; year-long feed for 2,100 head of dairy stock; year-long feed for 3,000 horses and other farm stock, year-long feed, including grazing, of course, and what hay may be necessary in the wintertime for our present elk herd of 20,000 head. That summary of agricultural resources has been obtained by taking the acreage of irrigated hay-producing lands as they appear of record on the county assessor's books of Teton County. The production per acre has been taken from Forest Service records of grazers, who filed with their grazing applications a statement of the acreage they have in hay production and the amount of hay produced.

The mineral resources, 300 acres of coal land now being used, and producing approximately 2,000 tons per year, which, of course, is used locally; 596,295 acres of coal land withdrawn, that is not being used; 351,337 acres of phosphate land, formally withdrawn; 23,539 acres of petroleum land withdrawn; also gold prospects, asbestos, and copper.

MR. PICKETT. May I interrupt a moment, Mr. McCain?

MR. MCCAIN. Yes.

MR. PICKETT. What area does that refer to; does it have anything to do with this map, exhibit 59?

MR. MCCAIN. That includes the entire economic unit; as I have stated, I took the Teton National Forest. The map shows the proportion of these withdrawals for minerals spread out over it, I could not say just exactly.

MR. PICKETT. Is that information all included in the maps in the report?

MR. MCCAIN. That is in the maps, yes.

MR. PICKETT. And it is in your narrative part of the report and the explanation of it?

MR. MCCAIN. Yes.

MR. PICKETT. What method do you use in obtaining and gathering this data; how did you go about it, you may tell, and explain the correctness of it?

MR. MCCAIN. This data with reference to the mineral, of course all withdrawal data was Land Office records. They are actual coal land withdrawals, phosphate land withdrawals, and petroleum land withdrawals.

Senator CAREY. Part of these withdrawals include the land in the Snake River Land Co. project?

Mr. McCAIN. Yes. This is the mineral resources. These colors show where the withdrawals are, and generally give you an idea here.

Chairman NYE. Let me suggest too, that discussing the map in the record is not going to mean a thing.

Mr. PICKETT. That, including the maps, would be offered as one exhibit, and I wanted to get an explanation of the system so that you could understand when you read the record.

Senator CAREY. I was trying to find out whether some of these mineral withdrawals were included in the land included in the park.

Mr. McCAIN. Everything north of this white area on the map is north of Jackson.

Chairman NYE. Which map? You have a number of maps.

Mr. McCAIN. Just this one, this first one.

Chairman NYE. You have a number of maps in that report.

Mr. McCAIN. Yes.

Chairman NYE. I do not have the map you are discussing.

Mr. McCAIN. This map, no. 7, represents the mineral resources and illustrates what they are.

Senator ADAMS. Mention roughly in miles that region covered by that report.

Mr. McCAIN. It is about a hundred miles by sixty-five, something like that.

Senator ADAMS. It covers more than Teton County?

Mr. McCAIN. Yes.

Senator ADAMS. It covers all of Teton County?

Mr. McCAIN. All of Teton County, yes, sir.

Senator CAREY. There is mineral withdrawals in that park area?

Mr. McCAIN. This paper represents a line east and west through Jackson; that is all within the area under discussion. Here is the south line of Yellowstone Park. The colored areas are red, coal or phosphate withdrawals. This is phosphate; the darker brown is coal land. There is approximately 22 townships covered by withdrawals.

Senator ASHURST. Twenty-two townships—not sections?

Mr. McCAIN. No, 22 townships, coal and phosphate withdrawals.

Senator CAREY. The oil withdrawals are south of Jackson?

Mr. McCAIN. The oil withdrawals are south of Jackson, yes.

Senator ASHURST. Mr. McCain, you have with great diligence prepared a valuable map, and you are kind enough to submit it for our record. Now, may we get at it this way, and not in such a protracted way as you are going to give it—first, give us the area in acreage or square miles of Teton County?

Mr. McCAIN. I cannot, offhand.

Senator ASHURST. What percentage of the area of the county of Teton lies within some withdrawal, and what percentage of this county therefore is available for settlement?

Mr. McCAIN. I would have to guess at it from the county lines on this map, and the colored area that represents withdrawals.

Mr. PICKETT. What is your estimate of that percentage?

Mr. McCAIN. It may possibly be in the report, I have forgotten some of the details of it.

Senator ASHURST. What I should like to have, without interrupting the proceedings, is a statement as to the total area in square miles or

acres of Teton County; how much of that area has been withdrawn from sale and settlement, and how much, of course, is left of public land upon which the people may settle?

Mr. McCAIN. I do not believe I have the area.

Senator ASHURST. What is it you want to show us, what do you want to say?

Mr. McCAIN. I wanted you to know the resources of this region; that is, the unit of Teton County. Not necessarily as an economic unit by itself, but there is other surrounding territory which has been included in that.

Senator ASHURST. I see.

Mr. McCAIN. I am sorry I have not the area of Teton County.

Senator ASHURST. What percentage of the potential values, estimable values, of this economic unit have been withdrawn from sale and settlement and taken from the people so they may not settle upon it; and what percentage is not some sort of a Federal reserve?

Mr. PICKETT. Senator, I might be able to get at that from another document.

Senator ASHURST. All right.

Mr. PICKETT. He may not have figured that particular thing in his report.

Senator ASHURST. Are there any gold or phosphate or coal or other mineral resources, base metals or precious or rare metals, as far as you know, that have not been withdrawn from the people?

Mr. McCAIN. Not from my personal knowledge, unless it is gold that has not been discovered.

Senator ASHURST. Then, your testimony is that practically all of the potential resources in the minerals have been withdrawn from sale and settlement, is that true?

Mr. McCAIN. I think that is, and oil.

Mr. PICKETT. According to your report, are there any minerals open to filing in this area?

Mr. McCAIN. I understand gold and silver and copper, there are no restrictions.

Mr. PICKETT. Is there any coal mining in this county now withdrawn from entry?

Mr. McCAIN. I do not understand that question.

Mr. PICKETT. Can you mine coal in the county?

Mr. McCAIN. You can mine coal on withdrawn land.

Mr. PICKETT. Can you, on this land you have referred to?

Mr. McCAIN. Yes, indeed.

Mr. PICKETT. There is no mining then prohibited?

Mr. McCAIN. It is classified. Maybe I should not have used that word, "withdrawn"; it is classified, coal lands withdrawn are classified lands.

Senator ADAMS. They have been withdrawn from agriculture and grazing?

Mr. McCAIN. Subject to mineral entry and leasing.

Mr. PICKETT. Does your report show any facts relative to the land, that has been withdrawn from homestead entry or settlement of any kind; are there any homestead entries allowed within the national forest?

Mr. McCAIN. No.

Mr. PICKETT. What settlement is allowed within the national forest?

Mr. McCAIN. There is no settlement.

Senator CAREY. Can one file ordinarily on agricultural lands in the national forest?

Mr. McCAIN. No; not at the present time.

Senator ASHURST. Why not? The act of June 11, 1906, gives the citizen a right to file on a homestead entry in a national forest if the citizen can prove that the tract of land is more valuable than for forest.

Mr. McCAIN. The entire forest, some years ago, was classified with the standards of that act in view, and such lands as were considered by the Secretary of Agriculture subject to that act were eliminated.

Senator ASHURST. Then the act of June 1906 does not apply here at all?

Mr. McCAIN. Not ordinarily.

Senator ASHURST. Does it apply at all?

Mr. McCAIN. It has, in 1 or 2 instances, I think; the classification has been reconsidered.

Senator ASHURST. How many citizens, if any, within the past 10 years have made entry under the act of June 11, 1906?

Mr. McCAIN. I could not tell you that.

Mr. PICKETT. What right have citizens to file and to settle on summer homes within the national forest, ordinarily?

Mr. McCAIN. Ordinarily, they submit application.

Mr. PICKETT. Have you any knowledge as to the summer home sites within this area?

Mr. McCAIN. Yes.

Mr. PICKETT. Can you describe that to the committee, and your reasons for your statements?

Mr. McCAIN. You mean, present summer home sites that are occupied?

Mr. PICKETT. That are eligible for occupancy, or are open to entry.

Senator ADAMS. Wasn't that pretty well gone into this afternoon?

Mr. PICKETT. I think that is the man who really knows.

Senator ADAMS. I gathered that the gentleman called this afternoon was the head of the Forest Service.

Mr. PICKETT. He did not know the details of it.

Senator ADAMS. He knew the general program, and as far as the permits for summer homes are concerned he went into details of it.

Mr. McCAIN. May I finish this summary?

Chairman NYE. Yes. I made a little suggestion here a moment ago, Mr. McCain, not to you, but to another member of the committee; I have just casually glanced at your summary. I want to suggest that, instead of proceeding with it as you have, that you insert the summary in the record and then let counsel or any member of the committee ask you as to any portion they may desire further information on. Would you like to proceed in that manner?

Mr. McCAIN. Anyway, to expedite the matter.

Chairman NYE. I am sure it would expedite the matter of the hearing.

Mr. McCAIN. I have a number of summaries copied out here.

Chairman NYE. Let the summary be offered for the record at this time.

Mr. PICKETT. I offer his complete study as exhibit no. 60, to be attached as an appendix to the record, but not copied into the record.

Chairman NYE. It may be received.

Mr. PICKETT. I offer as exhibit no. 60-A the summary prepared by the witness.

Chairman NYE. I think we should receive this report, and make the most of it.

Senator CAREY. You made a suggestion about the filing of the summary of this report, and I think your idea was to file it and then the members, taking copies of it, can question Mr. McCain about any part of it?

Chairman NYE. That is the idea. It seems to me we would make much better headway. The summary has been made a part of the record.

Senator ASHURST. I suggest that, beginning with the chairman, we ask any questions we wish about this report.

Chairman NYE. I think we should permit counsel, who has Mr. McCain here, to pursue the course that has been pursued.

EXHIBIT No. 60-A

"Chapter VIII. Summary of resources

Item	Returns
A. Agricultural: Summer range for 20,000 sheep, 4,800 range cattle; year-long feed (hay range) for 12,396 range cattle, 2,100 dairy cattle, 3,000 horses, and other farm stock, 26,000 elk.	Support of homes, merchantile and other attendant business enterprises, taxes, etc.
B. Mineral: 300 acres coal land used and producing 2,000 tons per year; 596,290 acres coal land withdrawal not used; 351,337 acres phosphate withdrawals; 23,539 acres petroleum; also gold, asbestos, and copper.	Not determined.
C. Timber: (140 million feet board measure grown and could be cut annually). Present cut, 2 million board feet annually; expected annual cut in next 30 years, ties and lumber, 14,000,000 feet.	Taxes from a permanent industry and \$228,000 in wages and supplies.
D. Water (annual discharge, 95 percent of 4,000,000 acre-feet): Hydroelectric power; 350 horsepower plant operating on Flat Creek; 70,000 horsepower in Count's reservoir site proposed. Irrigation, Jackson Lake Reservoir storage 847,000 acre-feet; Count's Flat Reservoir proposed 1,000,000 acre-feet; local streams irrigate 32,230 acres of cultivated land; 7,104 acres of pasture.	Not determined.
E. Game (1,305,000 acres of National Forest range with no domestic stock and 496,906 acres partly used by domestic stock): Year-long feed (including hay for 8,000 elk) for 19,855 elk, 1,455 moose, 2,625 deer, 265 bear, 975 mountain sheep, 1,900 beaver, many fox, marten, mink, badger, ermine, skunk.	License fees, guide service, horse hire, supplies, etc., valued at \$73,250. Sport for 2,930 hunters who bagged 2,344 elk, 56 deer, 20 moose, 16 mountain sheep, 12 bears. Food value of 700,000 pounds of meat at 8½ cents. Enjoyment from the sight of wild life.
F. Fish: 558 miles of streams and 28,220 acres of lakes stocked.....	Sport, attendant business from supplies, transportation service, license fees, etc.
G. Summer homes and lodges: 3,000.....	Business of supplying with food, building supplies, gas, oil, repairs, \$8,469,000 assessed value. \$7,500 (25 percent of National Forest rentals of one half) go to county schools and roads. Cash expenditures \$60,000.
H. Camping, etc., 24,100 visitors to Teton National Forest in 1932. This should increase.	
I. Commercial utilities.....	Increase in assessed valuation and in circulation money.

"Chapter VIII. Summary of resources—Continued

Item	Returns
<p><i>J. Scenery:</i> <i>National Parks.</i>—Yellowstone National Park of 2,192,640 acres, immediately north of the area covered by this report and the Teton National Park of 95,600 acres within the area, contain outstanding attractions and draw travel into the region. It is very doubtful whether enlargement of either, however, would result in attracting larger crowds. <i>National Forest.</i>—The Teton National Forest (1,802,128 acres) does not have as spectacular scenery as the National Parks but nevertheless offers a wealth of attractive camp sites, horseback trips, fishing waters, game areas, and primitive environment. The commercial returns are indicated under topics above. The social values, while immeasurable, are even more important with the physical, mental, and spiritual stimulus from the following: The invigorating mountain and forest environment; nature study; thrill and sport of hunting and fishing; the mere sight of game; hiking, boating, and horseback riding; relief from the pressure of modern business and from the whirl and bustle of crowded centers.</p>	<p>Not a rival but a contrast to National Parks, each supplementing the attractions of the other.</p>

CHAPTER IX. SYNOPSIS OF DEVELOPMENT PLAN PROPOSED FOR JACKSON'S HOLE REGION

In formulating plans for administering resources in the Jackson's Hole region, consider the entire region with all its resources as an entity rather than attempt to formulate a plan for any one resource separately.

Manage the elk to maintain a herd of 20,000 head. Enlarge the elk winter refuge to include the area covered by the so-called "Winter bill" to provide sufficient hay to feed 8,000 elk.

Provide for control of numbers of elk and other game animals by hunting as now regulated by the State with the Forest Service cooperating, rather than by natural losses, thus realizing from attendant business, sport and food values.

It is essential that Upper Yellowstone and Thorofare be left open to hunters desiring to pursue game in a big wilderness area far removed from auto roads, necessitating long park horse trips, where man has more a contest in matching his wits against the cunning and alertness of the wild. The removal of surplus elk by hunting in these ideal conditions where game have an even chance, is an integral part of the management plan for the elk herd.

Cancel Executive orders and interdepartmental agreements which interfere with development and full use of national forest and public domain lands. (See map no. 10.)

Shift 1,470 animal months use by range cattle now grazing in June and in October on elk winter range in Gros Ventre Creek (area no. 5) to the public domain and, if the owners approve, to the private range east of the Snake River and north of the Gros Ventre (area no. 15) which is not used by or suitable for elk.

On the summer range, allotted to cattle and occupying less than one third the Teton National Forest, graze 17,196 range cattle, there being no conflict with summer grazing of big game.

Stop up the production of hay to winter all of these cattle (except 4,800 wintering outside the region) and to winter 2,100 dairy cattle in addition to some 3,000 saddle and work horses and family milk cows.

Retain and administration of timber, water, coal, phosphate, petroleum and copper, sufficiently flexible to provide for proper utilization so that these resources will serve society when needed. This necessitates keeping open the transportation routes between the resource and place of use.

Lay out and plan for some 3,000 summer home and resort sites, etc., inside and out of national forest screened from public travel. Encourage development and use of same thereby increasing assessed valuations, stimulating construction, increasing the summer population supplying a substantial market for attendant business enterprises and furnishing recreation of immeasurable value.

Speed up Forest Service program of camp ground development and planning of recreation use.

The above plan will coordinate the management of all resources, will not detract from the value or use of a single one, but will result in each being put to its highest service to humanity with a minimum of waste and a maximum of return, financially and socially.

Mr. PICKETT. Now, in paragraph A of this summary, Mr. McCain—I might ask, generally, in all of these different subdivisions, that is your estimate of the probable developments, and not of the present developments; is that correct?

Mr. McCAIN. Yes, it is in every case, it is not present development at all.

Mr. PICKETT. In paragraph D, the matter of water power, you have in mind the development of Jackson Dam, I suppose?

Mr. McCAIN. There are two items that are present development. The first, "Jackson Lake Reservoir" and "Storage", now operating.

Mr. PICKETT. Is there any land within this area which that water could be used to irrigate?

Mr. McCAIN. From Jackson Lake?

Mr. PICKETT. Yes.

Mr. McCAIN. I assume they could.

Mr. PICKETT. The water is there, in any event?

Mr. McCAIN. Yes.

Senator NORBECK. How much of this water is pledged to those people over in Idaho?

Mr. McCAIN. The Jackson Lake Reservoir, the water is going to Idaho—Minnedoka.

Mr. PICKETT. None of that water is appropriated here in this valley?

Mr. McCAIN. Well, I do not know all of the details, but a certain storage capacity in the Jackson Lake Reservoir goes to Idaho; I think it all goes to Idaho.

Senator NORBECK. I wish the park service had that report and it had not gone to Idaho.

Mr. PICKETT. I think the report is very complete.

Chairman NYE. That is my observation, I have only glanced at it slightly, and I think it speaks for itself.

Senator NORBECK. It is very good, it is a lot of information that wants a lot of study, but to read it, it reads a good deal like my dictionary does.

Senator ASHURST. I see at the bottom of page 2 you have endorsed the summary of your recommendation; why not read those recommendations to the committee?

Chairman NYE. They are already in the record, and we all have copies of them.

Senator ASHURST. All right, I have no question then.

Chairman NYE. Are there any questions in connection with the synopsis which members of the committee would like to take up with Mr. McCain?

Senator ASHURST. I have none, the report speaks for itself.

Chairman NYE. Mr. McCain, in general your study and report is a study of every conceivable use that might be made of the resources of this territory?

Mr. McCAIN. First, it is an attempt to list all of the resources that may be found in this economic unit. Then it shows what present uses are being made of these resources. It also suggests what future use and what future development might bring about. That is the gist of it. In other words, here you have the resources listed, the present use, although they are all normal resources—there is nothing strange about the resources, you have them in

every country, and they have developed many communities. We have the same resources here that are not developed. This attempts to show to what extent they might be developed, to what extent they might develop and socialize an economic community here.

Chairman NYE. Is there anything in your report, either in the summary or the report itself, which would show the effect on this possible development by the adoption of the Snake River Land Co. program or the rejection of it?

Mr. McCAIN. Yes, indeed. If you take that out of the economic unit you might as well take the whole unit, because you take the very bottom out of it.

Chairman NYE. Is that pointed out in your report?

Mr. McCAIN. Yes.

Mr. PICKETT (continuing). I would like to ask you, not in connection with the report, but have you in recent years issued permits for summer homes within this area?

Mr. McCAIN. Not in recent years. You mean, in which area?

Mr. PICKETT. You are familiar with the boundaries of this project known as the Snake River Land Co. project?

Mr. McCAIN. Yes.

Mr. PICKETT. Within that area, and north?

Mr. McCAIN. No, not of recent years.

Mr. PICKETT. How many years?

Chairman NYE. That area is all privately owned property.

Senator ADAMS. There is no forest area within this project?

Mr. PICKETT. Oh, yes—

Senator ADAMS. I am speaking of the purchasing project of the Snake River Land Co.

Mr. PICKETT. That is part of the privately owned lands.

Senator ADAMS. I thought you were speaking of summer homes within that project.

Mr. PICKETT. I mean, in connection with the entire project.

Senator ADAMS. What do you mean by that?

Mr. PICKETT. It goes on farther north to include north of Moran, and up into the Pacific Creek country, and that is all forest, forest reserve, now.

Senator ADAMS. That is not part of the Snake River Land Co. project?

Mr. PICKETT. It is not part of the purchasing part of it, as I understand it.

Senator CAREY. It is part of the land that goes into the park.

Mr. PICKETT. What I was getting at, was whether the development of this project had retarded his right to issue summer home permits in any locality. Do you get the question, Mr. McCain?

Mr. McCAIN. I believe I have; no, I haven't, either.

Mr. PICKETT. Has the development of this project retarded your right to issue summer home permits in any locality?

Mr. McCAIN. I think the last permit that we issued was in 1930.

Mr. PICKETT. Have you had any applications for permits?

Mr. McCAIN. Yes.

Mr. PICKETT. Will you give the approximate number of them, and the nature of these applications for permits—these requests for buildings?

Mr. McCAIN. We have on file now one hundred and eleven applications for special use of land within that area.

Senator NORBECK. Within which area?

Mr. McCAIN. The area of which he has been questioning me. We call it the Jackson Hole plan here, and that more fully identifies it because it includes the forest land that is included in that project, together with the private land.

Mr. PICKETT. What is your requirement for building on summer-home permits, Mr. McCain, as to the expenditure?

Mr. McCAIN. There is no set requirement; we require that the building shall be good substantial building, and shall be in harmony with the surroundings.

Mr. PICKETT. Do you know the average value of those?

Mr. McCAIN. Why, I think the average value is something better than two thousand dollars, that we have now.

Mr. PICKETT. Is that property subject to taxation within the county?

Mr. McCAIN. Yes, sir.

Mr. PICKETT. And your report, I take it, shows the number of home sites available?

Mr. McCAIN. It shows the number of home sites available or in operation, assessed valuation of them, and it shows the number of home sites that could be made available.

Senator ASHURST. You say you have 111 applications; why don't you issue the permits?

Mr. McCAIN. We cannot issue them.

Senator ASHURST. Why not?

Mr. McCAIN. Because of Executive order.

Chairman NYE. A withdrawal order?

Mr. McCAIN. An Executive order.

Mr. PICKETT. How long have those 111 applications been accumulating?

Mr. McCAIN. Oh, about 2 or 3 years, I could not be exact. We had at one time many more, and we have had many more inquiries—they were real applications, if we could have taken them up at the time. If the inquirers had received some encouragement they would no doubt have asked for a special use permit, but we could not issue permits in the locations in which they wanted them so they lost interest—there was nothing in the files for them. Every five years we destroy worthless or useless files, and if a bunch of them got into that I would not attempt to say how many, but we still have 111 applications on that territory.

Senator CAREY. Are any of those wealthy people who would build expensive places, do you know?

Mr. McCAIN. I do not recall. I think there is possibly—I have had two in the last 10 days. One of them—I don't know of any in that area, by the way—but just to get at this class of applicants, one of the applicants for a summer home in another area, I judge, has money enough to build a good one. The other one is from one of the Schwabachers from San Francisco. One of them maintains a place up here now.

Senator CAREY. He has a very elaborate place, has he?

Mr. McCAIN. Yes, and the other application is from his brother.

Senator CAREY. Why have you been able to permit them to come in? There is an Executive order as to that area. What were your instructions with reference to that area?

Mr. McCAIN. My instructions were not to issue special use permits in this withdrawn area.

Senator CAREY. Have you issued any year-to-year permits?

Mr. McCAIN. In some instances. There was a section of the Jackson Lake shore excepted for a number of years, and we were free to grant special use permits there. That was on the south shore of Jackson Lake. That section of the shore was excepted from this restriction.

Chairman NYE. Didn't we get all of this information in the record this afternoon? I am satisfied with it if the committee is.

Mr. McCAIN. I think I can answer that more specifically if it is desired.

Senator ADAMS. Yes, I think that was all entered this afternoon.

Senator CAREY. That land on which the permits were granted really belonged to the Reclamation Service, or is that Forest Reserve along Jackson Lake?

Mr. McCAIN. Some of it is within the Reclamation Service withdrawal, which extends around the lake.

Senator CAREY. I think that is all.

Chairman NYE. Have the committee members any further questions? Mr. McCain, I hope you do not feel that the committee has been disrespectful at all in this matter. We have the greatest regard for what we understand is a most complete survey and study made by yourself, but it is one of those things where additional testimony adds absolutely nothing to it, and the matter will have just as full consideration of the committee in its present form as it would if we were to stay here all night and talk about it. We thank you. Is it the thought of the committee that this book prepared by Mr. McCain be made a part of the record? There may be no method of having that printed that will avoid the necessity of making it a part of the printed hearing, but I think it should be made a part of this record.

Mr. PICKETT. Yes, it should be available, I think.

Senator ASHURST. Is it understood that this gentleman prepared all of this information?

Chairman NYE. Yes; I think that is understood. If there is no objection, this book will be made a part of the record and attached to the appendix.

(Whereupon, the book in question was marked as "Exhibit 60".)

Mr. PICKETT. I have some information with reference to the acreage and the land values, as prepared by the assessor of this county.

TESTIMONY OF GEORGE E. CARPENTER

Examination by Mr. PICKETT:

Mr. PICKETT. What is your name, please?

Mr. CARPENTER. George E. Carpenter.

Mr. PICKETT. You are the county assessor of Teton County?

Mr. CARPENTER. Yes, sir.

Mr. PICKETT. Have you prepared any information relative to the land and the acreage within Teton County and its valuation?

Mr. CARPENTER. Yes, sir.

Mr. PICKETT. Can you tell the number of acres within the county?

Mr. CARPENTER. The number of deeded acres is 118,808.

Mr. PICKETT. That is the total number of privately-owned lands within the county?

Mr. CARPENTER. Yes, sir.

Senator ASHURST. And subject to assessment?

Mr. CARPENTER. Yes, sir.

Senator NORBECK. That is the patented land?

Mr. CARPENTER. Yes, sir.

Senator NORBECK. Have you any record of the number of acres that have been entered but not yet patented?

Mr. CARPENTER. No, I have not. I didn't get that.

Senator NORBECK. How many acres in the whole county, the total area of the county?

Mr. CARPENTER. There is 2,708 square miles.

Senator NORBECK. How many acres is that?

Mr. CARPENTER. That would be close to 1,733,120.

Senator NORBECK. The question that led to all of this was the question of what percent of the county did the Snake River people buy?

Mr. CARPENTER. They have at the present time 32,096 acres.

Senator NORBECK. What percent of that is the total?

Mr. CARPENTER. The county clerk has figured that up to be 27 percent of the taxable lands.

Senator NORBECK. But how much of the whole county?

Mr. CARPENTER. We haven't gone into that detail.

Senator NORBECK. That was the only question I asked.

Senator CAREY. All of the rest of the county is forest reserve.

Chairman NYE. This is very valuable information. Let's get it and then we can figure our percentages afterward. We have other figures there, I believe, which will give us the figures for the county.

Senator ASHURST. For the entire county?

Chairman NYE. Yes; I believe we have that.

Mr. CARPENTER. I could have given you that, but I wasn't asked for it. I was just asked for the comparison between the years of 1926 and 1932 in regard to the Snake River Land Co. holdings here.

Chairman NYE. That is what the committee would like to have.

Mr. CARPENTER. I gave the figures to Mr. Pickett by mail. In 1926 there was \$364,212 of land value, and the improvements values in that same year was \$71,533, and the personal property at that time was \$78,052. The taxes produced in 1926 by the then property owners was \$7,841.20. Now, these are just the figures of the three principal items of taxation. Coming to 1932, we have \$430,965 in land, the improvements value is \$97,565, and the personal property on these lands is \$6,947, which produced taxes in that year \$13,551.32. In this item of 1932 of \$430,965, there is an item of \$43,896, the value of land which was patented since 1926, so that produced a part of the increased value in 1932. Then, in 1932, the commissioners practically revalued the entire county as regards hay land, which produced an increase on the Snake River Land Co. properties of \$20,732.

Senator NORBECK. In valuation?

Mr. CARPENTER. In valuation, yes.

Senator CAREY. What does that make the increase on the other property in the county?

Mr. CARPENTER. In the same proportion that the values were increased on the Snake River.

Senator CAREY. But you haven't those figures?

Mr. CARPENTER. I didn't get that, Senator, because I didn't think that you wanted it. In fact, I didn't know that you asked for these things. These are what Mr. Nielson spoke to me that you had requested.

Senator CAREY. This is just what we have been seeking. This is what I wanted at least. Thank you.

Chairman NYE. Any questions by members of the committee? We thank you very much.

(Whereupon, the witness was excused.)

Senator CAREY. I think that the figures this witness, Mr. Carpenter, has produced should be put into the record.

Chairman NYE. If there is no objection, that will be included.

(Whereupon, the paper marked "Exhibit 61" was received in evidence, and is as follows:)

County commissioners: E. G. Van Leeuwen, chairman; James Budge, member; Nephi Moulton, member.

E. N. Moody, county clerk and ex-officio clerk of the district court.

Exhibit no. 61. J. A. Francis, sheriff; Wilford W. Neilson, county and prosecuting attorney.

E. J. Ward, treasurer; G. E. Carpenter, auditor; Essie R. Dale, superintendent of schools.

STATE OF WYOMING,

County of Teton, Jackson, Wyo.:

1926		1923	
	Valuations		Valuations
Land.....	\$364, 213	Land.....	³ \$430, 965
Improve.....	¹ 71, 523	Improve.....	⁴ 97, 565
Personal.....	² 78, 052	Personal.....	⁵ 6, 947

Acreage: County, 118,808; Snake River Land Co., 32,096—27 percent—Two thousand seven hundred and eight square miles in Teton County.

Loss on personal property \$71,105; some was absorbed between 1926 and 1932. Patented land, \$43,896. Taxes, \$2,256.27. 1932 commissioners revalued county, \$20,732.

Senator CAREY. I have some figures prepared by the State board of equalization showing the assessed valuation in what is now Teton County, while it was a part of Lincoln County, and also its valuation in 1918 up to 1922, when the county was created, and also the figures showing the assessed valuation of Teton County from 1923 to 1931, inclusive. I do not want to read them, but I think they should be a part of the record.

Chairman NYE. Yes, it will be so ordered, that they be made a part of the record. Since they are rather lengthy, I think they should be put into the appendix to the record rather than to be copied in.

(Whereupon, the figures in question were marked as exhibit 62, and the same are attached to the appendix of this record.)

¹ Of this item \$22,173 is removed.

² Taxes, \$7,841.20.

³ This includes an item of \$43,896.

⁴ Patented since 1926.

⁵ Taxes, \$13,551.32.

TESTIMONY OF SAM T. WOODRING

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please.

Mr. WOODRING. Sam T. Woodring.

Mr. PICKETT. You are the Superintendent of the Teton National Park, Mr. Woodring?

Mr. WOODRING. I am.

Mr. PICKETT. How long have you been such superintendent?

Mr. WOODRING. I took charge up there on June 17, 1929.

Mr. PICKETT. Where were you prior to that time?

Mr. WOODRING. Yellowstone Park.

Mr. PICKETT. How long have you been with the National Park Service?

Mr. WOODRING. Since June 30, 1921.

Mr. PICKETT. Now, you are familiar, no doubt, with the project that is known as the Snake River Land Co. project?

Mr. WOODRING. To some extent; yes, sir.

Mr. PICKETT. When did you first come in contact with it or learn of its existence?

Mr. WOODRING. When I arrived in the valley, and took over the park, June 17, 1929.

Mr. PICKETT. Did you have any instructions relative to this project when you first came here, Mr. Woodring?

Mr. WOODRING. No, sir.

Mr. PICKETT. Where did you establish your office at that time?

Mr. WOODRING. I established a little office that had been used by the Forest Service, 10 by 14 feet, I believe, near the old Stewart ranger station.

Mr. PICKETT. Have you remained there since that time?

Mr. WOODRING. No, sir; I kept the office there, until September of that year, and acquired a building from the Snake River Land Co. which was used as a store building by the old Elbo Ranch, and moved my office to that location.

Mr. PICKETT. When was that?

Mr. WOODRING. That was sometime in September 1929, if I remember correctly.

Mr. PICKETT. And your headquarters have been on Snake River Land Co. property since then?

Mr. WOODRING. No, sir; I moved back to the Stewart ranger station in 1932.

Mr. PICKETT. What was the occasion of your moving away from the other headquarters?

Mr. WOODRING. The building that the office was located in was right on the side of the road, and it was very unsightly, and I rebuilt the old ranger station, which had been used as a ranger station by the Forest Service, and converted that into an office, which I am now occupying.

Mr. PICKETT. Did you have any instructions from your superiors in connection with cooperating with the Snake River Land Co.?

Mr. WOODRING. I did.

Mr. PICKETT. Do you recall what that was?

Mr. WOODRING. Shortly after arriving here, I naturally wrote the Washington office of our condition. I came in here with my wife

and a ranger and his wife and child, and there were no living quarters in the park whatsoever, so we used tents during the first part of the year we were here, and I asked their permission to move into these buildings, and they gave me authority to do this. I moved the office back to the store building, and also got a one-room cabin for myself and wife on the same property, and moved in it on September 3, 1929, and have since then built on additional rooms, to try to be comfortable.

Mr. PICKETT. And you made that your headquarters?

Mr. WOODRING. Yes, sir.

Mr. PICKETT. This was the Elbo Ranch?

Mr. WOODRING. Yes, sir.

Mr. PICKETT. Now, did you have any instructions, Mr. Woodring, relative to granting concessions within your jurisdiction?

Mr. WOODRING. No, sir.

Mr. PICKETT. None whatever?

Mr. WOODRING. Well, I had instructions regarding Mr. Crandall, who is operating a studio concession in the park at the present time, and, later on, the Teton Transportation Co.

Mr. PICKETT. What are your duties relative to concessions? Have you the right to issue any concessions yourself?

Mr. WOODRING. No, sir; I have not. They have to be approved by the Director of the National Park Service and the Secretary of the Interior.

Mr. PICKETT. But the application is made to you?

Mr. WOODRING. Yes, sometimes, and sometimes they are made direct to the Washington office. Ordinarily, it comes through my office.

Mr. PICKETT. But you have no authority for the granting of any concessions?

Mr. WOODRING. No, sir.

Mr. PICKETT. That must come through the Director of the National Park Service?

Mr. WOODRING. Yes, sir.

Mr. PICKETT. Now, have you ever in any way worked in connection with the Snake River Land Co. project, Mr. Woodring, in the handling of its property?

Mr. WOODRING. I have.

Mr. PICKETT. Will you relate what that was, and the reason for it?

Mr. WOODRING. I have covered that thoroughly in a written report, but I believe I can explain it to you and the report can remain a part of the file.

Chairman NYE. What report do you refer to?

Mr. WOODRING. The report that Mr. Pickett has before him, I think, sir.

Chairman NYE. A report that you had prepared at his request?

Mr. WOODRING. I prepared this report at my own discretion regarding my activities with the Snake River Land Co. after I arrived here in the valley.

Senator ASHURST. Does this report that you submitted to Mr. Pickett contain all your activities?

Mr. WOODRING. Practically everything that I can possibly recall I can go along and touch on some points of it here, or I can read the report.

Senator ASHURST. If you have made a complete report, there is nothing more to say about it.

Mr. WOODRING. I would be glad for it to be made a part of the record.

Mr. PICKETT. There are some things I would like to question him about, Senator.

Senator ASHURST. I did not intend to interrupt your examination, Mr. Pickett.

Mr. PICKETT. What was the last question I asked?

(Whereupon, the question was read, as follows: "Will you relate what that was, and the reason for it?")

Mr. WOODRING. The reason for handling this Snake River Land Co. property and entering into this, the first thing was my need, my present need, for accommodations. There was no building in the national park at the present time except the old Stewart Ranger Station, poorly constructed, which was a very well-constructed building but in very poor condition, and the only buildings there were those I built myself. They consisted of a Government building that is in the park at the present time, the little office building that I mentioned, and added to that a 2-room addition, making a 3-room office at the present time, and we had no pasture for our stock, for one thing, and another thing, we had one of the old roadside buildings, and one that was very unsightly.

Mr. PICKETT. The thing I am interested in, Mr. Woodring, is not the property that you actually had to use in the administration of your duties, but did you handle any other property for them?"

Mr. WOODRING. I did.

Mr. PICKETT. What was that?

Mr. WOODRING. I think it was in 1930, Mr. Fabian and I were discussing the properties on the west side of the river, and he asked me if I would like to take charge of it, that is, assuming that this was soon to be added to the national park, and I told him I would like to take care of it and try to clean it up so I took charge of all the properties west of the river that had been purchased by the Snake River Land Co.

Chairman NYE. Was that approved by your superiors in Washington?

Mr. WOODRING. Yes, sir; it was.

Mr. WOODRING (continuing). I sold some of the old buildings, and gave a lot of them away to people in the valley, and I gave away the barbed-wire fence, provided they would promise to take it south of Jackson, so they wouldn't put them up in the game country, where the game was crossing. I burned down one building which was on the Elbo property, an old, unsightly, two-story stable.

Senator ASHURST. This land was not in any national park, was it?

Mr. WOODRING. No, sir.

Senator ASHURST. Without intending any criticism, it seems you were acting somewhat as the agent of the Snake River Land Co.

Mr. WOODRING. It took no time at all. I wasn't devoting any time to it.

Senator ASHURST. But your services would have been of value to the company?

Mr. WOODRING. We thought it was of value to the National Park Service.

Senator ASHURST. But there wasn't a national park there.

Mr. WOODRING. No; but it was along a national park road.

Senator ASHURST. It was a roadside clean-up?

Mr. WOODRING. It was a roadside clean-up of the unsightly buildings, which I can explain and you will see tomorrow, sir.

Chairman NYE. And it was those buildings, those so-called "improvements", was it not, that led Mr. Rockefeller to his first interest in this project, that has become the matter that we have under consideration now?

Mr. WOODRING. Yes, sir; it was the unsightliness along the roadside, and the condition of the barb-wire fences and the hot-dog stands, and so forth, I think, was one of the things that interested Mr. Rockefeller.

Senator CAREY. Were there ever any hot-dog stands there, or is that just an expression?

Mr. WOODRING. There were different little stands along the roadside—hot-dog stands are what they are usually called—all of those unsightly places along the road where they put out food or drinks or things of that kind. There might never have been a hot-dog in one of them, so far as I know.

Senator CAREY. I have been told that there has never been a hot-dog stand in this country.

Mr. WOODRING. There was one at the race track there.

Chairman NYE. I would like to see any 10-mile stretch of road in America that has not at some time had a hot-dog sandwich stand on it.

Mr. WOODRING. I would like to explain a little further. There was a bunch of unfinished buildings, six or seven in number, just back of the present residence on the Elbo property. Our agreement was that all of the money received from the sales of the old buildings and things of that kind could be used in repairing these buildings and making it a place to entertain park officials or any other officials that might come to the park.

Senator CAREY. That was at the Elbo Ranch?

Mr. WOODRING. Yes; that little place back in there. There was no place that I could take care of anyone under conditions at that time, short of Jackson or the town of Moran. We were living in a one-room log cabin, which couldn't have taken care of very many guests. That was what this money was to be spent for. Mr. Fabian has added in the neighborhood of \$2,000 over and above my sales, which amounted in the neighborhood of three or four hundred, I don't remember the exact figures, but it is in the report, and we repaired these little buildings up there and made them very comfortable, and they was used for Mr. Fabian's headquarters, what little time he was in the valley, and for my use at any time that I wanted to use them to take care of any park officials or other guests of the national park.

Mr. PICKETT. It was still the property of the Snake River Land Co.?

Mr. WOODRING. Yes, sir; it was still the property of the Snake River Land Co.

Mr. PICKETT. And work was done by the National Park Service employees?

Mr. WOODRING. No, sir.

Mr. PICKETT. It was not?

Mr. WOODRING. No, sir; it was paid for, the laborers and everything, that was all contracted. You will find that in my report.

Mr. PICKETT. That is in your report?

Mr. WOODRING. Yes, sir.

Chairman NYE. It was paid for by whom?

Mr. WOODRING. It was paid for by me from a checking account of the money that was turned over to me by Mr. Fabian and that I had collected from the little things I sold around the places there.

Chairman NYE. It was really paid for with funds properly belonging to the Snake River Land Co.?

Mr. WOODRING. Absolutely, sir.

Mr. PICKETT. Did you have a checking account in the name of the Snake River Land Co.?

Mr. WOODRING. I did.

Mr. PICKETT. You had authority to sign your name to checks on that account?

Mr. WOODRING. I signed those checks in my name. It was carried for a while through a mistake of Mr. Weston's on my personal banking account, and afterwards, of course, I kept the checks segregated, and so on; and afterwards I got him to give me two accounts, one on the Snake River Land Co. and one for my personal account, in order to keep my accounts segregated.

Mr. PICKETT. When they were all in your personal account, how did you sign the checks?

Mr. WOODRING. Sam T. Woodring, Snake River Land Co.

Mr. PICKETT. Before you had it changed to your separate account?

Mr. WOODRING. I did; yes, sir.

Senator ADAMS. Did you have any compensation from the Snake River Land Co. for looking after their property?

Mr. WOODRING. None at all, sir.

Mr. PICKETT. Did you have any understanding with them about them giving you a permanent home site?

Mr. WOODRING. No, sir. Two years ago, or a year ago, or, I think it was a little over a year ago, I got very tired of living in this cabin, as I have explained, and I asked permission to get a little piece of ground, and I wanted to build a home on it and spend my own money to build a place. I took this up with Mr. Fabian and the Director of the National Park Service, and he, in turn, took it up with Mr. Rockefeller, and he said they would grant me a piece of land there, under the conditions that after this land, if it did go into the park, would become the property of the Government.

Senator CAREY. But you would have the right to live there?

Mr. WOODRING. I would have the right to live there as long as I was superintendent, but if it went back to the Government I had no more claim on it. I turned it down at that time for the reason that I would have to move out of it at some time, and I didn't have the money to put a four or five thousand dollar building up at that time.

Mr. PICKETT. It wasn't for your own permanent homesite?

Mr. WOODRING. No, sir; absolutely not.

Senator ASHURST. You are exempt from any criticism, it seems, because all you did was under the eyes of your own immediate superiors, and with their permission and consent, isn't that true?

Mr. WOODRING. Yes, sir.

Mr. PICKETT. And under their directions?

Mr. WOODRING. What do you mean?

Mr. PICKETT. You said that everything you did, you did under the direction of your superiors?

Mr. WOODRING. Yes; they knew that I was doing it, and I took up with them pertaining to this work I was doing in connection with the Snake River Land Co.—that is, they knew that I was doing this.

Mr. PICKETT. How much did you handle in the way of such funds, approximately, Mr. Woodring?

Mr. WOODRING. Oh, I would say in the neighborhood of less than \$3,000, I think.

Mr. PICKETT. You collected rent?

Mr. WOODRING. Some rents for pasturage, and some rents for buildings, a few buildings, and sales of a few old buildings. I would like to state further here, and it is in that report, that the Snake River Land Co. gave us several other buildings, the building that we are now using at Jenny Lake, a very nice little log building, that was on a piece of property of the Snake River Land Co., and that was moved in off of their land and given to the Government. That is now the property of the Government. There was also some of my other shop buildings down there, which you will see tomorrow, or, at least, I hope you will have time to take a run through headquarters and see those. Most of those were given to us by the Snake River Land Co. They were on places that could be cleaned up, and in that way serve two purposes—giving me a building and taking it off the side of the road somewhere else, cleaning up the roadside.

Mr. PICKETT. Now, Mr. Woodring, we have had some testimony here relative to a change of a mail route from the east side of the river to the west side. Have you any information concerning that change?

Mr. WOODRING. I have a recollection of it. I would like to explain the condition of the mail route first, before I answer your question, if I may.

Mr. PICKETT. You may tell it in any way you please.

Mr. WOODRING. When I arrived in the park, there was a post office about 3½ miles from park headquarters on some property owned by Earl Brown—I think it was owned by him at that time, although it might have been purchased by the Snake River Land Co. prior to this time, but I am not sure. Anyway, it was a mile and a half off the main highway south and west of the present postoffice, at the old Ferry bridge, giving no one at the present location any service at all. The closest persons living to it, north of it, were the people at Moose or by the ferry, you might say. I couldn't see any reason why it should not be moved over there, and the people around there got together and got out a petition and circulated it to have some daily mail up the west side of the valley. I believe I wrote Mr. Blake myself in Salt Lake City, but he at that time, I think, had severed his connection with the Government at that time, and my letter was referred to Cheyenne, possibly, and a man sent out here by the name of Mr. Dunbar, an inspector from the Post Office Department, who went over the country, as was explained in previous testimony here. Did you go with him?

No, sir; I didn't see him while he was in the valley myself, but another man, I think, took him over the valley. He looked the road over and reported favorably upon the petition that had been signed in the west side of the valley, and after that the mail was changed

back to a circle route. At that time a letter went from Jackson up the east side of the Snake River by Elk, and up to Moran, and then returned.

Chairman NYE. Returned over the same route?

Mr. WOODRING. Over the same route. After that, they had tri-weekly mail as far as Jenny Lake. By my establishing a Government office there, which handled a big volume of mail, we naturally wanted a better mail service than we were getting. We had to drive a truck down to this place once a day to get the mail. There was a lady who was postmistress there, I think Mrs. Brown, Mrs. Earl Brown, and they were leaving the property and they had to secure another postmaster. A lady by the name of Miss Squires, or Mrs. Squires, took the job, and then, when we asked to have the post office moved over to its present location north of Moose, that was authorized by the Post Office Service, but she didn't want to move it over there, but that she wanted to move it at that time to the Robinson place, which Mrs. Rosa Brown occupies at the present time, the one on the opposite side of the road. No one on the west side of the valley wanted this post office on that side of the river, for the simple reason there were so many people riding horseback after their mail during the summer months from the dude ranches and places of that kind, and it made it very hazardous, crossing the bridge through a bunch of high-speed cars that crossed there, and they naturally wanted it on the other side of the bridge where the people were being served by the mail. Anyway, it was moved over to the Robinson place over the protest of the postal authorities, and another inspector came in and looked the situation over—

Mr. PICKETT. Did you send for him?

Mr. WOODRING. No, sir; I did not. Anyway, he came in and looked it over, and said, "We will leave it stay there." Later on, there was another postmaster appointed, Mr. Turner, who is still postmaster up there, and a little while after he was appointed the post office was moved to the building where it is now located. I think that is about the story of the mail.

Mr. PICKETT. Was this route finally discontinued?

Mr. WOODRING. No, sir.

Mr. PICKETT. On the east side?

Mr. WOODRING. Yes; that was discontinued.

Mr. PICKETT. Did you have anything to do with that?

Mr. WOODRING. For a part of one summer.

Mr. PICKETT. I say, did you have anything to do with that?

Mr. WOODRING. Nothing, outside of possibly signing a petition to get mail up on the west side of the river, but I had nothing to do with discontinuing the mail route.

Mr. PICKETT. Did you take that up with the Director of the National Park Service?

Mr. WOODRING. Yes; I think I had some correspondence with him regarding that.

Mr. PICKETT. Did you write him this letter, exhibit 63?

Mr. WOODRING. Yes, sir; I wrote him that letter.

Mr. PICKETT. Exhibit 63 is taken from file 610-01, part 5, from the National Park files, and is a letter from Mr. Woodring to Director of the National Park Service, dated August 27, 1929. I would like to offer this.

(Whereupon, the exhibit in question was received in evidence, and is as follows:)

EXHIBIT No. 63

MOOSE, WYO., August 27, 1929.

THE DIRECTOR NATIONAL PARK SERVICE,
Department of the Interior, Washington, D.C.

DEAR MR. DIRECTOR: In reply to your wire of August 21 regarding a possible change of the Moose post office, I have written Mr. Blake, inspector of this district, whose headquarters are Salt Lake City, asking him to come into the valley and look the conditions over before making recommendations. I have just had an answer from Mr. Blake, stating that he will be unable to come in now but that he would forward my letter to the Department in order that the investigation may be made by someone else if the action is appropriate. I will probably hear from the Department in a few days as to whether or not someone will be in to look conditions over. In case no one comes we are going to write up and circulate a petition recommending a daily mail from Elk to Jackson via the public highway, which is several miles shorter, an easier road to keep open, and much easier to travel over in late fall and early spring.

Practically the entire population of the valley is living along and near the public highway at the present time. The Snake River Land Co. has purchased practically all of the privately owned ranches on the east side of the river and it will be doubtful if there are more than 2 or 3 families on the entire east side, from the Kelly post office to the Elk post office, a distance of about 18 miles.

I would recommend that the post office be located at the present headquarters, the Stewart Ranger Station, about 3 miles north of the present Moose post office. On the other hand, the Ferry store, 2 miles south of the ranger station, would be an ideal location, and I think eventually should be a post office, but there is no one there available for postmaster at the present time.

Mrs. Bruce, wife of my permanent ranger, is willing to take over the post office for the winter and possibly for an indefinite period, provided it is here at this place. I have to make some repairs on the present station here to make it habitable for Ranger Bruce and his family for the winter and the office I am using now could be used as a post-office building. Some work would be required on the office building to make it suitable for a post office, owing to the fact that it has only one small window in the building and one door.

In case I don't hear from the Post Office Department in the next few days I am going to write up a petition with our recommendations and get this petition into the Department at the earliest possible date.

I am moving out of the Stewart Ranger Station within the next week or 10 days to a ranch one half mile north, known as the El-Bo Ranch. I have taken the matter up with Mr. Albright and today received his approval by wire.

Mrs. Woodring is holding the position as temporary clerk and she would not be interested in taking over the post office in addition to her other work. As the mails are unusually heavy here—everything for living purposes in the way of groceries, supplies of all kinds are shipped in by parcel post—there is a certain amount of heavy lifting to be done and I would not be at home enough to help her with the heavy work.

Very truly yours,

(Signed) SAM T. WOODRING,
Superintendent.

MR. PICKETT. You state in here Mr. Woodring, "Practically the entire population of the valley is living along and near the public highway at the present time. The Snake River Land Co. has purchased practically all of the privately-owned ranches on the east side of the river and it will be doubtful if there are more than 2 or 3 families on the entire east side, from the Kelly post office to the Elk post office, a distance of about 18 miles." Will you explain why that was written to the Director of the National Park Service?

MR. WOODRING. From the Kelly post office, does that say? The The Mormon Row was not considered in that at that time. I made an error there by saying "Kelly" instead of "Grosvont." At that

time, I think there was about 3 or 4 families, if I recall right, at that time living on that route.

Mr. PICKETT. There was no one except people who, as you say here, had not sold to the Snake River Land Co.?

Mr. WOODRING. Yes, there were quite a few. There was Mr. Wolf, and the Toppings, that I know of.

Mr. PICKETT. Why did you write that to the Director of the National Park Service?

Mr. WOODRING. Well, I was interested in getting the same service on my own side of the valley.

Mr. PICKETT. Did you want to do something about it?

Mr. WOODRING. I would have naturally to go to him for assistance.

Mr. PICKETT. You said here at the beginning of this letter, "In reply to your wire of August 21 regarding a possible change of the Moose post office."

Mr. WOODRING. I don't recall any wire.

Mr. PICKETT. I wonder if you would produce for me your file which has that telegram?

Senator ADAMS. Is this post office change a matter which affects the Snake River Land Co. holdings or purchases, or is it merely a matter upon which these people differed as to their own personal convenience in that neighborhood?

Mr. WOODRING. It would have nothing whatsoever to do with the Snake River Land Co. that I can see.

Senator ADAMS. If it is merely a question of personal inconvenience, back and forth, between these people, we are not concerned with that, but if it affects the Snake River Land Co. land business, if it was used to prevent something or further something——

Chairman NYE. Mr. Pickett, does the correspondence indicate that this rural route controversy was being used to make the staying on of settlers out there more unpleasant than otherwise would be the case?

Mr. PICKETT. There is no direct statement of that, of course. The paragraph that I read states that "The Snake River Land Co. has purchased practically all of the privately-owned ranches on the east side of the river, and it will be doubtful if there are more than 2 or 3 families on the entire east side."

Chairman NYE. Does any of the correspondence that you have interrogated the witness about indicate that there was any such purpose on the part of the park service?

Mr. PICKETT. Not a direct statement.

Senator CAREY. We have had testimony here that there were 10 people deprived of mail, and the evidence so far shows that the park service, through Mr. Woodring, was having the service changed.

Senator NORBECK. Mr. Woodring has testified he never asked for it to be changed, but he simply asked for service on the other side of the river.

Chairman NYE. How many individuals were being served at headquarters, or how many were receiving their mail at headquarters?

Mr. WOODRING. At my headquarters?

Chairman NYE. Yes, at your headquarters.

Mr. WOODRING. I would say about eight people would be receiving their mail at my headquarters during the winter months, and possibly in the neighborhood of a hundred during the summer months.

Chairman NYE. And that is what part of the total amount of mail carried between Jackson and Moran—what part of the total amount of mail on that route would you estimate had been delivered to your headquarters in the summer time?

Mr. WOODRING. You mean in volume, or mail?

Chairman NYE. The pieces of mail.

Mr. WOODRING. I would say in my estimate, our park office would get possibly 30 percent of the pieces of mail on that route.

Chairman NYE. In the summer time or in the winter time?

Mr. WOODRING. In the summer time and winter time both, that would be my estimate of it, but that would be an estimate.

Mr. PICKETT. Did you make an attempt to be appointed as postmaster?

Mr. WOODRING. No, sir.

Mr. PICKETT. Did your wife?

Mr. WOODRING. No, sir.

Mr. PICKETT. Was that suggested to you at any time?

Mr. WOODRING. It was suggested at one time.

Senator ADAMS. What has that got to do with the Snake River Land Co. business?

Mr. PICKETT. I want to ask him who made the suggestion to him.

Mr. WOODRING. They spoke of the possibility of my ranger's wife being the postmaster. I didn't want the post office at headquarters. There was some correspondence regarding it, if Mrs. Woodring took the post office, that I wanted it to be at headquarters, which was misconstrued by someone. I did not directly want the post office up there, particularly, as long as I could get good service otherwise, but if we couldn't have gotten service otherwise, I would have arranged to have moved the post office in to park headquarters.

Mr. PICKETT. Are you acquainted with the Wards, Mr. Woodring?

Mr. WOODRING. Mr. Ward who operates the dance hall?

Mr. PICKETT. Yes, sir.

Mr. WOODRING. I am, sir.

Mr. PICKETT. Did he operate a dance hall at Jenny Lake?

Mr. WOODRING. He did.

Mr. PICKETT. Had he a pretty good building there?

Mr. WOODRING. No, sir; I wouldn't say that it was a good building.

Mr. PICKETT. It was a good dance hall, I mean?

Mr. WOODRING. The floor might have been fair, but it wasn't particularly good, because I have danced on it, but I considered the building very unsightly.

Mr. PICKETT. Did you have anything to do with his having his license to operate that dance hall canceled?

Mr. WOODRING. I might have discussed that with someone, yes. I know I have discussed it with Mr. Ward.

Mr. PICKETT. Did you with the county commissioners?

Mr. WOODRING. I believe that I discussed that with one of the county commissioners at one time. That is my recollection, but I wouldn't be positive on that.

Mr. PICKETT. Exhibit 65 is taken from file no. 610-01, park 9, of the Park Service files, and is a letter from yourself to Horace M. Albright?

Mr. WOODRING. Yes, I wrote that letter.

Mr. PICKETT. I would like to have this introduced, Mr. Chairman.
Chairman NYE. Very well.

(Whereupon, the letter marked for identification as "Exhibit 65" was admitted in evidence, and is as follows:)

EXHIBIT No. 65

MOOSE, WYO., June 6, 1930.

Personal.

Hon. HORACE M. ALBRIGHT,
*Director National Park Service,
Department of the Interior, Washington, D.C.*

DEAR MR. ALBRIGHT: I thought you might be interested to learn of the progress we are making with the Jackson Hole people and what we are doing.

We have succeeded in getting the county commissioners to cancel the permit for the operation of the dance hall at Jenny's Lake. The last dance was held on June 1 and the building is now for sale at a very reasonable figure.

You remember our discussion last fall about the new cabins on the Elbow Ranch. These cabins have all been equipped with new furniture. One of the small cabins has been converted into a bathhouse with hot and cold water. All the cabins have running water. Mr. Fabian, Mr. Clendenin, Mr. Rayburn, and Mr. Kelly, of Salt Lake City, stopped over with us for 3 days last week and they were all very much pleased with this place known as "Rancho De Luxe."

I hope you can take the opportunity of stopping over for a few days in the Grant Teton National Park so that we can take a few short horseback rides and see what we have off the public highway.

I just received a letter from John D. Rockefeller, 3d, canceling his date for lunch at the J.Y. Ranch. He is going to take lunch at the Elbow instead.

Conditions in the valley regarding the animosity against the Park Service, the Snake River land people, and Teton Lodge, are improving I think. I believe that some of the business men in Jackson have just about decided that it is pretty near time to get on to the bandwagon.

I have just returned from a trip to Yellowstone Park, going over my cost accounts and other official business with Mr. Toll. I went through the South Gate on the 3d and there was practically no snow to speak of. Mr. Toll tells me that his place will be open to the public on the 10th of this month.

The post office is being moved from the Robinson property to the Ferry Ranch today and Reed Turner has received his appointment. Everything looks favorable for our approved change in mail route to take effect on July first.

Sincerely yours,

SAM T. WOODRING,
Superintendent.

Mr. PICKETT. In this letter, you make this statement, Mr. Woodring, "We have succeeded in getting the county commissioners to cancel the permit for the operation of the dance hall at Jenny's Lake. The last dance was held on June 1 and the building is now for sale at a very reasonable figure." Did you succeed in getting the county commissioners to cancel that permit?

Mr. WOODRING. You see, I used the word "we." There were several people discussed this dance hall at that time for the several reasons which I discussed with Mr. Ward myself. I have seen it there so you could not pass that highway at night for cars, and I have gone over to dances several times, and Mr. Ward knows what I was doing, for I discussed it with him. I have never had any complaint of his dance hall inside, but the outside conditions there was a disgrace to the public at times.

Mr. PICKETT. Was he in the park?

Mr. WOODRING. No, sir; he was not.

Mr. PICKETT. Didn't he have a right to operate a dance outside?

Mr. WOODRING. He had.

Mr. PICKETT. Without your interference?

Mr. WOODRING. Why, I think any private citizen, to see the conditions as they were there once in a while, would have a right to say something about it, or even an official of a Government park, when it came directly in connection with the service that he was giving to the public that goes out there.

Mr. PICKETT. What did you do to get his permit canceled?

Mr. WOODRING. I don't remember as I did anything at all. I think that I spoke to one of the county commissioners about it, and I might have discussed it with some other people in the valley.

Mr. PICKETT. Did you ask the county commissioners to cancel that permit?

Mr. WOODRING. No, sir; I don't think I did.

Mr. PICKETT. What did you mean when you said that "We have succeeded in getting the county commissioners to cancel the permit?"

Mr. WOODRING. That possibly referred to someone I was talking with that gave me that information.

Mr. PICKETT. Was it canceled?

Mr. WOODRING. I don't think it was.

Mr. PICKETT. Then, do you know why you wrote that statement to your superior?

Mr. WOODRING. Possibly, as I stated, it was through some conversation with someone else who was working on the same thing.

Mr. PICKETT. Oh, more than one of you was working to get that permit canceled?

Mr. WOODRING. There were several private citizens in the valley who didn't like the conditions there. I am sure there were people in the town of Jackson that didn't like it.

Senator NORBECK. That was a part of the roadside clean-up?

Mr. WOODRING. No; that was nothing to do with the moving people at all.

Senator NORBECK. Was it along the highway?

Mr. WOODRING. Yes, sir.

Senator NORBECK. And close to the park?

Mr. WOODRING. There wasn't parking room hardly between the building and the highway.

Senator CAREY. That is a State highway?

Mr. WOODRING. That is a State highway.

Senator CAREY. It is not a park highway?

Mr. WOODRING. No, sir; it wasn't in the park. It was just before you enter into the park at Jenny Lake.

Senator NORBECK. Did the Park Service furnish the money to build it?

Mr. WOODRING. No, sir.

Senator NORBECK. That is the first road I have heard about here that the Park Service didn't furnish the money to build.

Mr. PICKETT. Did Mr. Fessler operate a concession or a store any place within the vicinity of Teton Park?

Mr. WOODRING. Yes, sir; he operated a place just above Mr. Gabbey's, just north of Gabbey's place there on the Snake River, also one just west of the Snake River Bridge at the ferry, at the Moose post office.

Mr. PICKETT. And did he continue to operate it?

Mr. WOODRING. No, sir; he discontinued last fall, I believe.

Mr. PICKETT. That was an understanding between——

Mr. WOODRING. Between himself and the company.

Mr. PICKETT. The Teton Investment Co.?

Mr. WOODRING. Yes, sir.

Mr. PICKETT. Did you have anything to do with that discontinuance?

Mr. WOODRING. Nothing at all, sir; to my knowledge.

Mr. PICKETT. Referring to exhibit 66, which is a letter from file no. 610-01, part 5, a letter from Mr. Cammerer to yourself, I will ask you if you recall receiving that letter?

Mr. WOODRING. I must have gotten that letter, but I don't recall a lot of the contents of that.

Chairman NYE. What is the date of that letter?

Mr. PICKETT. September 6, 1929. I would like to read this letter.

Chairman NYE. Very well.

Mr. PICKETT (reading):

EXHIBIT No. 66

SEPTEMBER 6, 1929.

Supt. SAM T. WOODRING,
*Grand Teton National Park,
Moose, Teton County, Wyo.*

DEAR MR. WOODRING: I have read with the greatest interest your letter of August 27, regarding the post office situation. Under date of August 30, we have the following letter from one of our New York friends, and, of course, we want to do everything to carry the suggestion, which is in the right direction, along to its best possible conclusion.

"Mr. Fabian has written us for assistance in the following matter. Mr. Sam Woodring, Superintendent of the Teton National Park, has established his headquarters at the Ferry Ranch, our parcels 9 and 23 in Twp, 43 N., Range 116 W., which we have recently acquired. This property is strategic from the point of view of entrance headquarters, to the Park. A man named Squires, owning a gas station and store on a 2-acre tract located on our parcel no. 22 in Twp. 43 N., Range 116 W., is trying to get the Moose Post Office, now located on the Harold Brown property (our parcel no. 14 in Twp. 43 N., Range 116 W.) moved to his gas station. Mrs. Squires is petitioning for its removal there. Mr. Fabian considers it important that the Moose Post Office be moved to the Ferry Ranch and that Woodring be appointed Postmaster, as he can conduct the Post Office in connection with his entrance headquarters. Woodring is out with a petition for this.

"Will you be good enough to approach the proper authorities in the Post Office Department so that we may do all that we can toward having Woodring appointed Postmaster? You will readily realize the importance of getting this matter into the hands of Woodring."

However, when we read this letter we were confronted with the limitation of law that prescribes that no Government employee may hold two positions with compensation where the aggregate of the salary of the two positions is more than \$2,000. This automatically eliminated you. It was for that reason that I wired you under date of August 21. We worded that telegram rather cautiously, however, so that the subject matter might not pass into unauthorized hands through the local telegraph office.

I am sending a copy of your letter and of this reply to our New York friend for his information, and I judge both Mr. Albright and I will have the chance to hear something more definite from you at the superintendents' conference.

I think your suggestions about Mrs. Bruce are entirely in the right direction, and I suggest that you get a petition to the Post Office Department at the earliest possible date to preserve any priorities of application that may be made.

Sincerely yours,

(Signed) ARNO B. CAMMERER,
Acting Director.

Senator CAREY. I thought the Congressmen recommended the postmasters.

Senator ASHURST. That was under the Republican regime.

Mr. PICKETT. Did you go out with a petition, Mr. Woodring?

Mr. WOODRING. No, sir; I did not. There was a petition circulated around on that west side of the valley, but right now I don't know whether I signed it or not. I was asking my wife today whether I signed it or not, but I believe I did.

Mr. PICKETT. Was Mrs. Bruce finally made the postmaster?

Mr. WOODRING. No, that was all dropped entirely. Most of this, I understand, was all suggestive. I didn't want to be postmaster, and I wouldn't have had it in my place if I could have gotten away from it. It was just a conclusion that people had drawn.

Senator ASHURST. Then, I take it that the reference to you, so far as you were concerned, was unauthorized?

Mr. WOODRING. Absolutely.

Senator ASHURST. The truth is, you didn't want the post office?

Mr. WOODRING. No, sir.

Senator ASHURST. But your superiors wanted you to have it, is that true?

Mr. WOODRING. Yes, possibly that was the way it was.

Senator ASHURST. You didn't want the office?

Mr. WOODRING. I didn't want the post office, but I wanted the service.

Mr. PICKETT. I have another letter here, Mr. Woodring, in which you are mentioned and in which you are quoted. This is exhibit 68, file no. 610-01, part 4, a letter to Mr. Albright from Mr. Fabian. I would like to have this letter in the record, Mr. Chairman, and then ask him with reference to these matters.

Chairman NYE. Yes; if it is pertinent to this matter here.

(Whereupon, exhibit 68 was received in evidence, the same being as follows:)

EXHIBIT No. 68

JULY 2, 1929.

Mr. HORACE M. ALBRIGHT,
*Director National Park Service,
Yosemite National Park, Calif.*

DEAR HORACE: Just back from a very busy and I hope profitable week-end at Jackson. It was profitable, at least, to the extent that I have the situation very concretely in mind and a definite program to put up to Van.

There is no doubt that Miller has reached the end of his purchasing ability, excepting for perhaps an incidental place now and then. He himself admits it but says it is because he absolutely refuses to be a party to paying the prices that must be paid if further purchasing is to be done. The almost unanimous opinion of the other people there is because he cannot buy any more—partly because many of the remaining land owners will not have anything to do with him and partly because his habits over so many years simply will not permit him to get out and deal with people. He waits for them to come to him and no more are coming. As a matter of fact, I think all of these reasons are at work just now and the result is that we are not buying anything.

So far as the east side is concerned, we are all agreed that we should stop buying and give out the impression that we are through. The ranchers over there are simply playing us like the stock market waiting until they can get the highest price. If they think we are through, they probably will come around very quickly. If that is not their response, it may be that we are through on the east side permanently.

Miller and I disagree as to the west side. It is my opinion that two factors are putting up prices there—the knowledge that we are buying land and the park activity. This latter will persist irrespective of what we may do. Miller thinks

after another year or so prices will come down. Hence, he thinks we should wait. I cannot agree with this, but feel that every year we will be required to pay more. Hence we should move into the west side aggressively.

After a whole evening's talk, I persuaded Winger to agree to work with Miller. But he said it would only be on condition that I should be there also and would be the final arbitrator. In other words, he will not take orders from Miller but is willing to take his advice, provided the final decision rests with me.

I am going to suggest to Van that Miller, Winger and I get to work together and that I stay on the job up there for a month or more and make the decisions in cases where we do not agree. We should let the east side sleep, but I am decidedly in favor of going after the west side aggressively. If we find that the prices there are beyond our reach, then we had better know it right now and realize that we have been so slow that our project cannot succeed. I hope we can, at least fill out the west side so that the park can come to the river. Woodring is anxious to have us get the Ferry ranch so that he can establish his headquarters there.

We will take over the operation of the Ferrin property ourselves and will put up the hay crop there this year. There probably will be a short hay crop in Jackson Hole this season so that may give us a little profit. I am taking another man from the Utah Game Department up there right away to work the Ferrin property and ranches we have bought adjoining. His name is George Cox. He is a splendid game and outdoors man.

The Snake River Land Co. will pay Mr. Cox during the summer and Woodring says that, with your approval, he can handle paying him during the winter.

Woodring thinks we should begin feeding elk there this winter. Joe Allen wants to get some buffalo from the Yellowstone and start a herd now in Jackson using the Ferrin ranch as the base.

I have made definite arrangements with Sheffield for this year. He will pay us \$5,000 rent and will pay the taxes for 1929.

The Fessler situation is disturbing. I talked with Kerwin, the Federal road man at Jackson. He did not seem very kindly disposed towards the park, but apparently had reached the stage where he wanted to go ahead and do something and is anxious to go ahead and condemn the road through Sheffield's. I think, by all means, *that he should be stopped* and this road program should not be permitted to go ahead for this year, nor until we have it carefully worked out. There are two reasons for this: First, Whiteman and Fessler will start up a second Sheffield resort, or do the best they can toward it, and we will have trouble with them. Second, any road activity will simply boost the tourist game in Jackson Hole this year and that is something we want to do everything possible to avoid. It would do no harm for Kerwin to fix the bridge across the Buffalo and straighten out his road from the Buffalo Bridge as far west as the gravel bed. But the present road junction and the road to Sheffield's should not have any changes made and have no more work done on it than is necessary to keep it safe for passage. We are all naturally ambitious to have the road from the southern entrance into Jackson put in good shape as quickly as possible, consistently with carrying out our work. But I very strongly urge that you *at once* have the brakes put on Kerwin and his road project so that *nothing is done in there this year*. It is infinitely more important that we at least get over the part of our program to extend the Park to the Snake River and I hope I will not have to take away valuable time to row with Kerwin about tearing up Sheffield's resort to put his road through there.

Van and I will be up there the end of this week for 4 or 5 days and what occurs after that will depend on how successful Van and I are. We will stop at Schwabachers but I expect to make my headquarters at Sheffield's while I am there this summer. It is more convenient to our part of the country and the roads are good to move in any direction irrespective of the weather.

Best regards,

Yours sincerely,

(Signed) HAROLD P. FABIAN.

MR. PICKETT. Mr. Woodring, you are quoted in this letter as follows—"Woodring thinks we should begin feeding elk there this winter." Were you going to feed elk? Do you recall any conversation in connection with that?

MR. WOODRING. No, that must have pertained to the Elk Ranch on the other side of the river.

MR. PICKETT. Did you have anything to do with that?

Mr. WOODRING. No, sir; I did not. I believe that the Snake River Land Co.'s foreman there, Mr. Allen, fed elk there part of winter, possibly against Mr. Fabian's protest, I don't recall, but I don't recall having any conversation about that myself.

Chairman NYE. Is there anything else in that letter that is pertinent to the inquiry?

Mr. PICKETT. I think so. You may look it over and see if there is anything (handing exhibit to the Chairman of the committee).

Chairman NYE. You can just go ahead with the other questions that you have.

Mr. PICKETT. Did you ever consult anyone, Mr. Woodring, in connection with their land, which was held for sale, and which the Snake River Land Co. were attempting to purchase?

Mr. WOODRING. Not to my knowledge, I have not, sir.

Mr. PICKETT. Did you ever talk to Mrs. Lucas?

Mr. WOODRING. No, sir; not pertaining to buying her land.

Mr. PICKETT. Or Miss Noble?

Mr. WOODRING. No, sir.

Mr. PICKETT. You did not?

Mr. WOODRING. I think Miss Noble's land was purchased, I think, before I arrived in the park, if I remember correctly; it may have been the following year.

Mr. PICKETT. Were you asked to do anything to help close any deal?

Mr. WOODRING. No, sir.

Mr. PICKETT. I do not believe I have anything further.

Chairman NYE. Have you been asked at any time to engage in a program or do anything that would have the effect of causing those, who were holding back in the sale of their lands, to sell?

Mr. WOODRING. No, sir, I have not. This information brought out by Mr. Fabian's letter to Mr. Albright, regarding a road around Jenny Lake, that was misconstrued in several ways. We did speak of the possibility of building a road down the west side, crossing the mouth of Jenny Lake, around, following the park line, which would have to go on the west side of Cottonwood Creek to do it. This was discussed at that time, and some mention was made about putting out some rumors to the effect that we were building a road there. I told them I could not put out any rumors to that effect in my position, but, I said, I have some men working on that side of the river at the present time, who are "topoging", making some "topog" maps, and doing some trail work.

Senator ASHURST. You very manfully refused to put out false rumors. Who asked you to do that?

Mr. WOODRING. No one asked me.

Senator ASHURST. Who asked you to do that, or suggested that any rumor be put out?

Mr. WOODRING. Mr. Fabian and I were discussing this matter, but as to whether he asked me to do it, put out any rumor or not, I could not say, because he could not expect me, in my position to do it, or know I would do it. I do not know how the discussion came up, it is very vague, because those things go by as they pass, as far as I am concerned, but I know I would not put out a rumor to that effect and I know I have never done anything to cause any of the people in that valley to get less for their property in any way. I

have taken no hand with the Snake River Co., except everything they can give me to help in establishing the park headquarters.

Chairman NYE. What did you start to say about having some work on the other side?

Mr. WOODRING. At the time we were discussing this I had some men "topoging" over there, making "topog" maps, and also operating a trail crew on that same side where we had discussed at some time of putting a road.

Mr. PICKETT. Do you know whether or not a report became circulated to that effect?

Mr. WOODRING. I do not; I have never even heard of it.

Mr. PICKETT. You heard the statement of Fabians' letter?

Mr. WOODRING. I did.

Mr. PICKETT. You say that is not correct?

Mr. WOODRING. Not pertaining to me dropping rumors to the effect that I was going to build a road around the lake; Mr. Fabian must have misunderstood me.

Mr. PICKETT. Were those men, working there on those maps you mentioned, working in a place where you thought you might make a road?

Mr. WOODRING. Well, we discussed building a road down that side at one time, just between me and my park ranger, and possibly with someone else.

Mr. PICKETT. Did you discuss it with Fabian?

Mr. WOODRING. I do not think I ever did, but afterward I found out I could not build any roads anywhere in the park other than improve the old roads or put a road paralleling an existing road.

Mr. PICKETT. Mr. Woodring, do you want this report in the record?

Mr. WOODRING. Yes; I am perfectly willing to have it go in the record, sir.

Thereupon exhibit no. 69 was marked for identification.

Mr. PICKETT. We offer this for the record.

Chairman NYE. It may be received.

EXHIBIT No. 69

GRAND TETON NATIONAL PARK,
Moose, Wyo., March 3, 1933.

The following is a report of my dealings with the Snake River Land Co. since I became superintendent of the Grand Teton National Park in June 1929.

I arrived at the park on June 17, 1929, with my wife, one permanent ranger, and his wife and child. We were all forced to live in tents during the remainder of June and throughout July and August, as the only buildings in the park proper upon my arrival were a 2-room Forest Service ranger cabin (an old log structure) and a little 1-room log building, 12 by 14 feet, which we used as a temporary office. On September 1 the Snake River Land Co. permitted me to move into a 1-room log cabin on the El-bo Ranch property, which had just been purchased by the Snake River Land Co., and to remodel and enlarge it to suit my convenience, at my own expense, to serve as a living quarters for myself and wife. They also permitted me the use of a log store building, which served as the park office until November 1931. At the same time this company gave me permission to use for an indefinite period four other buildings which have since been moved onto park property and which are now used for Government purposes. The company gave these to the Park Service. Three of them are now at the present park headquarters, while the fourth, an exceptionally well-built and attractive log building, was moved to Jenny Lake and is now in use as a park information office and museum. The park has also used the stable, about 60 acres of cultivated pasture land under

fence, and a storage shed for hay, all on the El-bo property, and for 2 years maintained park headquarters there, including office, shops, supply depot, and living quarters. The Snake River Land Co. made no charge for any of this. If it had not been for the availability of the El-bo property as park headquarters we would have been forced to go to the expense of building headquarters when conditions were so uncertain that a permanent location could not have been selected, and appropriations for such buildings were not available.

Subsequently, the park has been permitted free use of several other log buildings and in fact of any other property of the Snake River Land Co., the use of which would be helpful to us in any way. The Tony Grace Ranch, near Beaver Dick (String) Lake, a dude ranch, equipped with conveniences, was turned over to us without charge as a headquarters station for the park rangers on duty at the lakes during the summer month. Reasonable rental charges for Snake River Land Co. buildings used by this park since September 1929 would have cost the Government in the neighborhood of \$2,500, as demonstrated by the following table:

Item	Size of building	Description or use	Monthly rental	Months used	Total rental
1.....	16 by 30	Store used as office.....	\$15. 00	14	\$210
2.....	30 by 30	Barn remodeled and converted into machine shop.....	20. 00	42	840
3.....	16 by 26	Used for information office and museum.....	15. 00	33	495
4.....	16 by 20	Storage rooms for equipment.....	10. 00	42	420
5.....	14 by 22	Small cabin used for living quarters, summer.....	7. 50	8	60
6.....	12 by 14	do.....	7. 50	8	60
7.....	16 by 20	Old storehouse.....	10. 00	27	270
Total.....					2,355

When I arrived here in June 1929 it was my opinion and the opinion of most of the people in the surrounding country that the area owned by the Snake River Land Co. would be turned over to the National Park Service as an addition to this park in 1930, or not later than 1932. All of this company's property west of the Snake River at that time was unsightly with old shacks and some old buildings, and was fenced off from the public by buck and barbed wire fences. Mr. H. P. Fabian, executive officer of the company, said that as this property was intended for the park it should be cleaned up to the satisfaction of the Park Service and asked me if I would like to handle the clean-up of this property, sell what improvements I could and use the proceeds to rebuild and complete some cabins on the El-Bo property, to be used as headquarters for his company and for the accommodation of official park guests.

This was a beneficent offer on the part of the company, and the carrying out of this plan was only logical since otherwise such official guests would have been forced to stay at least 15 or 18 miles away from park headquarters, either at Moran or Jackson, Wyo., between which points and the park there is no regular transportation service except that furnished by a motor bus making a daily trip from Moran, Wyo., to Victor, Idaho, and return.

The attached statement is an accurate record of all sales, all money deposited to my credit, and all money spent on the remodeling of this property.

At present my chief ranger, 1 permanent ranger, 1 disbursing agent and clerk, 1 part-time employee, and I are all living in buildings owned by the Snake River Land Co., since this park has never had a building program because of the uncertainty of the park extension situation. The company makes no charge for this occupancy.

The following statement will give an idea of existing conditions in the immediate vicinity of park headquarters when I took over the supervision of the Grand Teton National Park in June 1929:

Just east of the road, one half mile from the El-Bo Ranch, was a rodeo ground, consisting of a large race track, bucking shoots, grandstand, hot-dog stands and numerous other unsightly structures. At the entrance to these grounds was a large billboard, approximately 35 by 12 or 15 feet, advertising the El-Bo Ranch and rodeo. Materials from all of these buildings were given away by Mr. Joseph Allan, former employee of the Snake River Land Co. in consideration of cleaning the place up.

Just west of the road, near the location of the rodeo grounds, were 10 or 12 slab cabins. To the south of the rodeo grounds were some old race-horse stables, including several unsightly and poorly constructed shacks. Just a little north

were buildings known as the Madame Gebo buildings. These were torn down and moved away. Two buildings on the Cottonwood, south and east of the El-Bo were disposed of.

On the El-Bo property, the place which I occupy now, one of the most unsightly buildings of the entire group was torn down, a few of the best logs salvaged and the remainder burned. The large old stable and surroundings out houses were torn down, some logs salvaged and the remainder burned.

The entire landscape along the road from a mile and a half south of present park headquarters to Jenny Lake was lined with barbed wire and buck fences. These fences were given away for their removal. In driving along this highway at the present time it is hardly possible to conceive of the unsightly conditions existing when I first came into this country in 1929.

SAM T. WOODRING.

El-Bo Ranch accounts

Season		Deposit	Expenditures	Balance
1930.....	Placed to my credit by H. P. Fabian, Snake River Land Co.	\$500.00		
	Do.	150.00		
	Miscellaneous sales, including ice	54.50		
	Rent on buildings	50.00		
	Sale of buildings	55.00		
	Rent of pasture	75.00		
	Labor		\$439.25	
	Lumber		91.98	
	Hardware		62.25	
	Plumbing		136.87	
	Telephone		2.00	
	Balance			\$152.15
May 8, 1931.....	To my credit, by H. P. Fabian, Snake River Land Co.	1,500.00		
June 13, 1931.....	Do.	650.00		
	Do.	25.00		
Aug. 7, 1931.....	From R. Winger (sale of 2 cabins at Ferry)	120.00		
	Buildings rental	16.00		
	Pasture rental	150.00		
	Labor (contract)		2,103.00	
	Other labor		244.97	
	Hardware		119.30	
	Miscellaneous, including supplies		122.59	
	Balance (turned over to Mr. Fabian, executive officer of the Snake River Land Co.).			23.29
	Total cash collected by me, as incorporated in report of accounts on page 1:			
1930.....	Buildings rental, sale, pasture rental, etc.	234.50		
1931.....	Do.	166.00		
	Total, 1930 and 1931		500.50	
	1931 CASH ACCOUNT			
	Cash received from rent of building	33.25		
	Labor, telegraph and telephone, freight, and express		28.71	
	Balance (paid by check to Mr. Fabian, Snake River Land Co.).		4.54	

SAM T. WOODRING.

Senator CAREY. In regard to the change in the mail route, you know the change deprived the people on the other side of mail?

Mr. WOODRING. I did not know it would deprive them; I knew it would establish a post office at Kelly, and, mostly, people were closer to the mail at the post office at Kelly than had been on the west side at Moose at that time.

Senator CAREY. It has been testified here, I think, or I have had letters to that effect, that 16 families or more were deprived of mail by that mail change; is that true?

Mr. WOODRING. It possibly could be true, but I hardly think so.

Senator CAREY. How many people were?

Mr. WOODRING. I have never made an exact count over there, because I was working naturally on the west side of the river.

Senator CAREY. How many people would get mail on the west side?

Mr. WOODRING. I think there were 38 or 39 people on that side this winter.

Senator CAREY. Living up there?

Mr. WOODRING. I won't be positive of that. I can count them for you in a minute, I believe; will you give me that time?

Senator CAREY. I will take your word for it.

Mr. WOODRING. I knew everyone on the side of the river there, but I am sure it was around 38 or 39 people on that side of the river the past winter.

Senator CAREY. I think that is all I have to ask.

Mr. PICKETT. Mr. Woodring, did the Snake River Land Co. at any time ever use any employees of the National Park Service under your direct supervision?

Mr. WOODRING. No, sir.

Mr. PICKETT. Did they ever use a surveyor?

Mr. WOODRING. I think I let them have an engineer for a day, or a half day, which they paid for. He was taken off the Government rolls, that is my recollection of it; I would have to consult the pay rolls to find that out, even.

Mr. PICKETT. I think that is all.

(Witness excused.)

TESTIMONY OF ROBERT A. HOCKER

Examination by Mr. PICKETT:

Mr. PICKETT. State your name, please.

Mr. HOCKER. Robert A. Hocker.

Mr. PICKETT. You are the Wyoming State Game and Fish Commissioner?

Mr. HOCKER. Yes, sir.

Mr. PICKETT. How long have you held that position?

Mr. HOCKER. Two years and a half.

Mr. PICKETT. Where is your home, Doctor?

Mr. HOCKER. My office is in Cheyenne, my home is in Kemmerer.

Mr. PICKETT. That is in the western part of the State?

Mr. HOCKER. Yes, sir.

Mr. PICKETT. How far from here?

Mr. HOCKER. Sixty-seven miles.

Mr. PICKETT. How long have you lived there?

Mr. HOCKER. Thirty-one years.

Mr. PICKETT. You have been interested over this 31 years in the protection of the wild game in this area?

Mr. HOCKER. Yes, sir; it was originally part of the old Uinta County, and I lived in that county my whole life.

Mr. PICKETT. You have been in western Wyoming all of your life?

Mr. HOCKER. Yes, sir.

Mr. PICKETT. How long did you say you had been State game and fish commissioner?

Mr. HOCKER. Two and a half years.

Mr. PICKETT. Were you on the commission prior to that time?

Mr. HOCKER. Yes, sir.

Mr. PICKETT. How long were you on the commission?

Mr. HOCKER. A little over 3 years.

Mr. PICKETT. Have you made a study of the conditions of the elk in this area?

Mr. HOCKER. I have attempted to.

Mr. PICKETT. Are you in a position to give a statement to this committee of the position of your department as to the handling of game, and what you have been able to do in the past?

Mr. HOCKER. I will try to. The State game and fish commission in Wyoming is self-supporting. There is a game and fish fund, with all of the license fees, and so forth, going into this fund. The fines, and so forth, go to the school district wherein the conviction is secured. The Wyoming Game and Fish Commission is composed of six members—it is a bipartisan board. The Wyoming Game and Fish Commission are the directors, and I am the supervisor; I have the handling and general supervision of all the game and fish and game boards within the State. The finances of the game and fish commission have naturally been affected by economic conditions, the same as other industries, and so forth, and in 1931 the department was in debt \$34,000. The first of this last year we had a decrease of \$42,000 in our receipts in 1932. We paid our indebtedness and balanced out budget on the 1st of January 1933, with the exception of about \$2,550 of elk-damage claims, which are owed in this valley and which we will be able to pay very shortly.

Mr. PICKETT. When you borrow money, who do you borrow from?

Mr. HOCKER. Prior to the time that went into a game and fish fund, or it was created, the department was run from a direct appropriation from the legislature. The biennium of 2 years, as a rule, was \$150,000, and the balance of the money that accrued, from thirty to sixty thousand, in the biennium, was put into the general fund, and that was the reason that the sportsmen in general through the legislature had the game and fish fund created. At the time the game and fish fund was created our appropriation was exhausted, so the legislature loaned the game and fish fund department \$100,000, which they were to pay back in 2 years, and which they did pay back.

Mr. PICKETT. Who made that loan?

Mr. HOCKER. The legislature, to the game and fish department. At the end of that time the department had run its business and repaid the loan, but it did not have sufficient money to run it the first 3 months of the year, owing to the fact that they did not receive any license sales until April, and, as a consequence, 2 years ago they made a request to the legislature that it loan them \$60,000 for 4 years, giving them time to create a sinking fund sufficient to run them for the first 3 months. At the end of last year the department had paid \$15,000 of this fund, and the other \$45,000 was in the treasury—none of it was used for overhead.

There are other agencies there of very great importance to the preservation and direction of game in Wyoming. Those two agencies are the Biological Survey and the Forest Service. They are very cooperative, and the law stipulates that a Wyoming game department may cooperate with those two departments. The Biological Survey furnishes yearly all of the hay cut on what is called the biological ranch. That, as a rule, averages 1,300 to 1,350 tons, in connection with what is termed the "Isaac Walton holdings and ranch"

several miles above that, and that was bought by the Isaac Walton League and turned over to the Biological Survey who, in turn, cut the hay and turned it over to the Wyoming State Department. The Biological Survey also assists in the feeding of this hay in the winter. The ordinary average year necessitates about 4,000 tons of hay, and, of late years, the department has been feeding in the neighborhood of 300 to 350 tons of cottonseed cake. The Wyoming Game Department, by the difference between the hay that is cut on the Biological Survey ranch, and the cottonseed cake, in normal years runs from fifteen to eighteen thousand dollars a year, which is the cost to the Wyoming Game and Fish Department to take care of this elk herd.

Last year, in 1932, and the spring of 1933 there was expended in the neighborhood of \$33,000 for feed for this elk herd. That part of it, \$17,000 and some odd, was paid for by the Wyoming Game Department, and the Biological Survey secured an additional appropriation in 1932 of in the neighborhood of \$4,000, with which they purchased hay in addition to the amount that they had on their holdings that year.

The other department that is of very material assistance to us, is the Forest Service. The Forest Service—

Senator ADAMS. How much of a staff does this biological farm have over here?

Mr. HOCKER. It has from 6 to 7 men that they hire in the winter to assist us in feeding, and we also have 6 or 7 men also employed in the winter—in the neighborhood of 14 or 15 men for feeding these elk in the winter. Last year the feeding cost the department of Wyoming twenty-six or twenty-seven thousand dollars. We have rearranged our feeding and game management with this elk herd. Originally we had 2 feed grounds and sometimes 3 feed grounds. That is not especially good game management, for the simple reason that you have so much concentration. The last 2 years we have had 7 feed grounds, and in that way we have a larger distribution of the elk and not so much concentration. That is also a very excellent plan inasmuch as it assists us in preventing a large amount of damage claims. Our new system is to use from 4 to 6 or 8 men in Jackson Hole in the winter, who snowshoe anywhere from 10 to 20 miles a day and drive these elk away from haystacks down to feeding grounds, though the department has arranged its feeding grounds so as to take care of certain areas, and prevent hay damage claims. In that area these men will drive the elk from these stacks down to this feed ground, and there attempt to hold these elk at the feed ground. In the winter whenever we would get these old unruly bulls, old breachy bulls, that will insist in going back to these haystacks, we have killed them, and we made arrangements last winter with the Governor's relief committee whereby we delivered them to the railroad and the railroad furnished free transportation of this elk, and they were delivered over the State to the regularly organized relief committees, and in that way we assisted in the feeding of the poor, and also got rid of these old breachy bulls that it is almost impossible to keep out of the haystacks. We have had excellent cooperation from the ranchers, the majority of which put up a reasonable elk fence. It is almost impossible for a rancher to live in this country without he has a reasonable elk fence. As a matter of fact, we have in the

neighborhood of 2,000 tons of hay on our feed grounds, that, unless we have very severe snowdrifts, we are not bothered from, for the reason that we have a proper fence which keeps the elk out of the haystacks. Our damage claims normally in the valley are from five to six thousand dollars each year, and last year they were reduced to \$250 through our different character of game management and through the cooperation of the ranchers in putting proper fences around their hay.

An elk is a very hard animal to handle, and, as a matter of fact, you have to have a corral at least 8 feet high, or proper panels placed around your stack, or they will get in, unless you have sufficient force to drive them away from the stack and we have been quite successful in that line and in our game management.

I want to say that the Forest Service has furnished us 12 to 14 patrols yearly during the game season. That is from the 15th of September to the 15th of November during the game season in Teton County. We have organized and handled—as some gentleman stated this afternoon, the proper way to handle this elk herd would be, if we had sufficient winter range, never to feed one of them, but up to the present time we have not had adequate winter range, and, another thing, this elk herd has been fed constantly down in this valley for a number of years, until they are exactly like domestic stock, they continue to come here, and as long as they drift down in this valley, where you have from 5 to 6 feet of snow every winter, they must be fed or they will starve to death. Our percentage of loss has practically been about 3 percent, and that would be a practically normal loss that you would expect in livestock or anything else.

In 1927 the elk count in the winter was around 19,000 head, but that was a very, very severe winter, and they lost a great many stock, and we also lost a great many elk. I had not the supervision of the elk myself at that time, but I am repeating facts, but I think the estimate was that we lost 2,000 head of elk at that time.

Chairman NYE. Is there an open hunting season in Wyoming?

Mr. HOCKER. Yes, the open hunting season in Wyoming is from the 15th of September to the 15th of November.

Senator ADAMS. Do the elk resume their wild habits when turned out to the feeding grounds, or do you hunt them like you would a steer?

Mr. HOCKER. No, they resume their wild habits. Of course, a great many never heard a shot, for this reason: They are protected in the summer time on the Teton Game Preserve, and when their migratory route starts and they come down in big bunches we have a route defined on which we do not allow any hunting.

Senator CAREY. Mr. Deloney stated we did not have the drift route protected here.

Mr. HOCKER. Well, it is pretty hard work to protect the drift route, and last year there was a little bobble in the drift route. These elk change their migration at times, but the fact is that we have at the present time from twenty-three to twenty-four thousand head of elk. We really are like a stockman at the present time, that has really more elk, or more cattle, than he really ought to have for the amount of feed that he has to take care of them in the winter, and, as I was going to illustrate to you, we have a check station situation

and system that we have inaugurated. You could take this paper, for instance, and this would be Teton County. Fortunately, the geography of Teton County is such that there are only certain ways you can get into the county with an automobile or horse and wagon—only about six places. They establish “check-in” and “check-out” stations. During the game season every man who goes across this road is, at least, examined by the officers at the “check” station, as a rule, 4 working, 2 at nights and 2 during the day. The Forest Service has maintained those “check” stations for us for 2 years, furnish the men and paid for them. That is the cooperation we have received from that service, and they are very valuable to us and the men are highly trained men that follow the little things necessary. All of the check stations are connected with telephones, and the telephone center is in Jackson. We are in a position that if a man goes through that station with a foreign car and a foreign license—I have one of the “check-in” reports here—“Where are you from?”; “From Casper”; “How long have you lived there?”; “So long.” They go in to hunt, and, in the meantime, we telephone to Casper and find out if he is a resident, and when he starts through one of these stations he is immediately held up and taken to justice if we find that he is not a resident of Casper.

Senator CAREY. Have you a map with you showing the game preserves in this section?

Mr. HOCKER. Yes, I have a map showing the game preserve.

Senator CAREY. Is it in the room here?

Mr. HOCKER. Unfortunately, it is not, but I have several maps in my pocket, but the 1933 map was not completed yet—it will be completed in a few days.

Senator CAREY. I would like to have it here so that we would see a great part of the country is in a State game preserve where hunting is not allowed.

Mr. HOCKER. I have one of those maps.

(Thereupon, exhibit no. 70 was marked for identification, and ordered to be attached to the appendix to the record herein.)

Mr. HOCKER. Now, there is one of the “check-in” station reports; it will show how thoroughly it is made out. That is a recapitulation of both places there. Through our “check-in” station reports we determine the number in Teton County of elk that are killed and marketed each year. We handle it just identically as you would the cattle herd. Through our elk count we know how many elk we have each year; through our feed station check-ins we know approximately what our increase is. Our figure is 24½ percent dating over 5 years. Our elk count at the present time is twenty-three or twenty-four thousand, but, estimating it at 20,000, the increase would be 5,000. Our “check-in” station reports show we killed 3,546 elk last year, and 3,443 the year before, which leaves the last 2 years with a 1,500 elk surplus that we have to market some way. So the game management plan is this: If you have too few elk you make more game preserves and shorten the season; if you have too many elk you open the game preserves and lengthen the season. This year we have opened practically all of the elk-protected territory in Teton County for the simple reason that we have a large surplus of elk, more than necessary, for the amount that we are marketing, and if we still continue to increase at the rate of 1,500 or 2,000 a year, and it costs us

that much additional for food and for game management, still we haven't any use for the elk, unless our program is to handle a bigger bunch of elk, a larger bunch of elk, and, if that is the case, then we will have to have more winter range from some source and more revenue. As a matter of fact, if we had the lands that were outlined in the winter bill, and the Cy Ferrin and the Snake River Land Co. ranch to cut our hay, and it was turned over to one of the Government agencies, like the Biological Survey, who, in turn, would turn the hay over to the State of Wyoming, we would be sitting pretty.

Of course, you realize that Wyoming has some other things to do with its funds besides take care of its elk herd. We have an open bear season, an open moose season, an open antelope season, an open elk season, 9 months of fishing, pheasants, sage hens, grouse, wild ducks and geese, all of which have to be protected, and we have 22 other counties besides Teton County, and we have in the neighborhood of twenty or twenty-five thousand elk in other counties besides Teton County. While, of course, this is probably the largest elk herd in the world, and with more concentration, in Teton County, it naturally demands more game management and more finances. As a matter of fact, it costs \$2.66 a year for each elk. Last winter we fed on an average of 17,000 of these elk, on elk feed grounds, and when last counted in April we had in the neighborhood of 12,000 head on the feed grounds.

Chairman NYE. What is the license?

Mr. HOCKER. Originally we sold a special elk license for \$2.50, when it cost in the neighborhood of \$4 to raise that elk. It cost \$2.66 last year for the feed alone, 75 cents a head for the overhead paid by the game department, and 18 cents a head overhead paid by the Forest Service. That includes the biological feed, though, by the way.

I do not know whether there is anything else that you gentlemen want to ask me. There has been some talk here of diseases, and so forth, in concentration, and that is a fact. That would hold good with people and everything else. Our present plans are somewhat different. This year a very happy thing came up with the game department, with the C.C.C. boys, and the proposition was this: Those boys only receive \$30 a month, and they could not afford to pay for fishing licenses, and it was pretty near a sure thing that they would fish anyway. So, our attorney general and governor worked out this kind of a plan—he would appoint the officer in charge as a deputy game and fish commissioner, and supply him with licenses, but, he, in turn, would supply those boys with resident or nonresident licenses, according to a merit system, or whatever he saw fit. He would send a report in, but no money. At the end of the season this will be aggregated in a lump sum, and through the United States Forest Service these C.C.C. boys will produce work for our department. This work will be this: On the feed ground up here they will build me an 8-acre pasture, and this will be utilized for feeding the calves by themselves. It is a simple stock proposition and a matter of common sense—you cannot feed a large bunch of elk or anything else and run your old stuff with the young stuff. This year we will have the young stuff by themselves and feed them second-growth alfalfa and grain. We have demonstrated we can feed them grain very successfully. The principal thing that kills the calves, and the age of mortality the worst

for calves is from 6 to 7 months old—what kills them is a tick we have here; that is, these nits get on them by the thousands and the calves are simply blue with ticks. Another thing that kills them is, when they have a tender mouth, the character of food they have. The hay is not bought judiciously, and with the foxtail, they get abrasions in their mouths, and, on a feed ground, they get chronic stomatitis, and that eventually kills them. Our program is to feed them better feed and some concentrates, and dip them, and take care of our calves, and in that we way will reasonably increase 10 or 15 percent and not necessarily have to run as many elk. We can run fifteen to seventeen thousand and produce all of the elk for all the hunters we have in this vicinity.

Senator ADAMS. I notice on your list only six nonresident hunters.

Mr. HOCKER. Yes; last year we only had 46 nonresident hunters in the State of Wyoming alone.

Senator ADAMS. On elk alone?

Mr. HOCKER. On all classes.

Chairman NYE. Was that due to high license?

Mr. HOCKER. That was due somewhat to high license, but our nonresident fishing licenses dropped to \$14,000 in 1932. We have this all tabulated.

Chairman NYE. Ordinarily hunters from outside of the State come here by the hundreds?

Mr. HOCKER. I would not say "by the hundreds", but we have had—the normal license sale is \$152,000. The licenses sale in 1930 was one-hundred-and-sixty-thousand-odd dollars, and I think in 1929 it was \$180,000, and it dropped last year to \$118,000, so you can see what the game commission has to do in order to budget their business on an anticipated license sale, which requires quite a good deal of management.

Senator CAREY. It was due to the depression?

Mr. HOCKER. Somewhat, and I think, too, we have not made it quite attractive enough. We had our license a trifle too high, and, like everything else, it got a little low, and what we had to do is to go in and make it more attractive. We are opening up a large piece of territory on the Teton game preserve that will be exclusively for pack outfits. That is a place where we have been a little lame. The ordinary sportsmen likes to go off by himself, and this year we have opened up a large area which is accessible only to pack outfits. That is a very attractive country and contains moose, mountain sheep and deer, and most anything that the real nonresident sportsman would like to secure in trophies.

Chairman NYE. What do you do in the way of advertising to acquaint the outside about this?

Mr. HOCKER. We are a little lame in our publicity, and we are figuring on working out a sort of scheme—we have in this State what is called a "Dude Ranchers' Association", and we work in close conjunction with the "Dude Ranchers' Association."

Chairman NYE. They have their mailing lists?

Mr. HOCKER. Very extensive advertising, with the railroads.

Mr. PICKETT. What is the condition of the elk herd this year, compared to years previous to this?

Mr. HOCKER. The elk herd is the largest now in the history, since, well, as far as I can remember, back in 1925; we have really more elk now. As a matter of fact, we have a surplus of elk.

Mr. PICKETT. Have these been pretty well cared for over the years you have been associated with them?

Mr. HOCKER. For two or three winters we had very mild winters—one winter, we did not feed at all—but the last two winters we have certainly fed these elk.

Mr. PICKETT. Do you know how long it has been since a great number of elk died during the winter?

Mr. HOCKER. In 1927 we had a very severe loss, but that was a very unusual winter, and a very dry summer the year before, and there was equally large losses in stock as in game, so there was no exception. But we have made much more extensive preparations and have changed our systems carefully.

Chairman NYE. In other words, you are very much better prepared for these emergencies in the future than you were in the past?

Mr. HOCKER. Yes, sir. Last winter, I understood that was mentioned, during the season of the legislature we had an unusually severe winter in here, and it seemed like the winter would not break, and the men informed me about 2 weeks before, in the forepart of April, that our hay would become exhausted, so I appeared before the Ways and Means Committee and asked for a loan of \$6,500, which they gave me, and I came in here and shipped in hay and cottonseed cake, and, by the way, we paid that.

Mr. PICKETT. Do you need any help in taking care of these elk?

Mr. HOCKER. Well, Wyoming is going to take care of them, but we would sure appreciate it. Of course, you understand, it is quite a drain to Wyoming, and when the elk do not pay for this hay it cuts off quite a source for building hatcheries, and so forth, but they will be taken care of for the simple reason that we have made up our minds that we were going to take care of this game.

Mr. PICKETT. Are you familiar with the sentiment of the rest of the Wyoming Game and Fish Commission relative to this elk herd?

Mr. HOCKER. Yes.

Mr. PICKETT. Do you feel that you, as a member of that committee, would ever consent to surrender any control or jurisdiction over these elk?

Mr. HOCKER. Not if we have anything to say about it. The elk belong to the State. Here is the situation—as far as we are concerned with park extension, personally I have nothing to say, and that is the attitude of the game department. We are not interested in park extension, with the exception that if they include within the park the areas that these elk run on in the winter and summer, we have lost the elk herd. Now, do you get me on that?

Chairman NYE. I am sure we do.

Mr. HOCKER (continuing). And that is the only thing we are interested in from a game standpoint. If the park includes the areas that the elk live on and run on, even while Wyoming owns the elk, the elk are under the park jurisdiction and we have no control over them.

Chairman NYE. Have you anything more, Doctor?

Mr. HOCKER. Nothing more, unless you gentlemen wish to ask me anything.

Chairman NYE. I am sure the committee all appreciate the splendid way in which you have presented things here tonight. You were concise and very much to the point, and your testimony has been very worth while. If there is nothing further, we thank you, Doctor.

(Whereupon, the witness was excused.)

Mr. PICKETT. Mr. Chairman, I have here three letters from the United States Department of the Interior which were handed to me by Senator Carey from his file, in connection with the Eva G. Topping matter which was testified to yesterday.

Chairman NYE. They are for the record?

Mr. PICKETT. Yes.

Chairman NYE. Very well.

(Whereupon, the three documents in question were received in evidence as exhibit 71, and the same are as follows:)

EXHIBIT No. 71

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 27, 1931.

Hon. ROBERT D. CAREY,
Careyhurst, Wyo.

MY DEAR SENATOR: With reference to your inquiry of May 15, 1931, an examiner's report has been received involving the above listed homestead entry of Eva G. Topping, formerly Sanford and, as the lands involved have, since entry, been withdrawn for elk refuge purposes, the Director of the National Park Service has been requested to report whether the National Park Service has any objection to action on the entry.

When this report is received, prompt action will be taken on the case, of which the claimant will be duly notified, through the Evanston land office.

A carbon copy of this letter is enclosed.

Very respectfully,

(Signed) D. K. PARROTT,
Acting Assistant Commissioner.

EXHIBIT No. 71-2

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 20, 1931.

Hon. ROBERT D. CAREY,
Careyhurst, Wyo.

MY DEAR SENATOR: I have your letter of June 8, 1931, relative to homestead entry Evanston 015271 of Eva G. Topping (formerly Sanford) and to certain other matters.

The homestead entry of Mrs. Topping was allowed May 26, 1927. Thereafter by Executive Orders of July 7, 1927 (No. 4685), April 16, 1928 (No. 4857), and February 4, 1929 (No. 5040), the lands embraced in the homestead entry, together with other lands, were withdrawn as a proposed addition to the elk refuge in Wyoming which was established and created under authority of the acts of August 10, 1912 (37 Stat. 293), and March 4, 1913 (37 Stat. 847). The National Park Service is interested in the refuge because it affords a winter feeding ground for the elk of the Yellowstone National Park. It is presumed that the Bureau is also interested in proposed additions to the refuge which may hereafter provide an additional feeding ground for the elk.

The said withdrawals were made under the provisions of the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), which excepts from the force and effect of any withdrawals made thereunder—"all lands which are, on the date of such withdrawals, embraced in any lawful homestead or desert-land entry therefore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law."

The said withdrawal orders of 1928 and 1929 were also made "subject to prior claims legally initiated and maintained."

The information which this office by its letter of May 15, 1931, referred to in the first paragraph of your letter, sought to obtain from the National Park Service, was whether that Bureau had knowledge of any facts affecting the legality or validity of Mrs. Topping's entry. Said service could not object to the entry on the ground that the lands covered thereby are needed for an elk refuge."

Under date of July 17, 1931, the National Park Service reported that it did not have any objection to the entry. The proof submitted by Mrs. Topping will be given consideration at an early date, and you will be advised of the action taken.

In answer to the questions asked in the third, fourth, and fifth paragraphs of your letter, you are advised:

(1) That certain game refuges, including most of those in Alaska, have been established by Presidential order under the general supervisory authority of the Executive, and that such reservations have been recognized by Congress through appropriations made therefor. The above-mentioned acts of 1910 and 1912 furnish specific authority for making temporary withdrawals.

(2) That so far as this office is advised, there is no law which makes "it the duty of the National Park Service to protect game outside the limits of national parks."

(3) That the laws does not "permit agents of the National Park Service, or of a corporation organized to purchase lands, to purchase homesteads from entrymen previous to such entrymen having received final receipt" under their entries. An entryman may sell the lands embraced in his entry after he has made satisfactory final proof and before patent has issued on his entry.

The law does not prevent an entryman who has not submitted proof from executing and delivering a relinquishment of his entry to anyone who is willing to give him a consideration for so doing, and it does not prevent the filing of the relinquishment in the district land office. The relinquishment does not give the person paying the consideration any right to the land. If the land is affected by an order of withdrawal it would become subject to the provisions thereof. If the land is not affected by an order of withdrawal it would at once become subject to settlement and entry (act of May 14, 1880, 21 Stat. 140).

A carbon copy of this letter is enclosed.

Very respectfully,

(Signed) THOS. C. HAVELL,
Assistant Commissioner.

EXHIBIT No. 71-3

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, July 14, 1931.

REGISTER, *Evanston, Wyo.*

SIR: May 26, 1927, Eva G. Sanford made the above-listed homestead entry embracing 160 acres under section 2289 R.S. The lands involved were included in coal withdrawal, Wyoming No. 1, by Executive order of July 13, 1910. Claimant has not filed a waiver of the coal in the land as required by the act of June 22, 1910 (36 Stat. 583). The land was withdrawn for elk refuge purposes by Executive Order No. 5040 dated February 4, 1929.

Final proof in support of said entry was submitted November 18, 1930, by Eva S. Topping, formerly Sanford, action being withheld at the request of the Chief of Field Division pending field examination and report. An examiner has submitted favorable report and the National Park Service has reported that that Service knows of no objection why the final proof should not be accepted.

The final proof appears satisfactory except that claimant fails to give the date of her marriage and the citizenship qualifications of her husband.

You will therefore notify her that she will be allowed 30 days from service of notice in which to file in your office an affidavit giving the date of her marriage and stating whether her husband is a native born citizen of the United States. If he is not, the evidence required by Circular No. 1248 must be furnished. It will also be necessary, because of Executive order of July 9, 1910, for the claimant to file within the time allowed a waiver of the coal in the land under the act of June 22, 1910 (36 Stat. 583).

Should claimant furnish satisfactory affidavit regarding her marriage, citizenship qualifications of her husband and a waiver under the act of June 22, 1910, you will make proper notation on your records, and, as the final proof appears otherwise acceptable issue final certificate on the entry in the absence of objections.

In the absence of action or appeal within the time allowed the final proof hereby held for rejection and the entry hereby held for cancelation will be finally rejected and canceled, respectively, without further notice to the claimant from this office.

Very respectfully,

(Signed) D. K. PARROTT,
Assistant Commissioner.

Chairman NYE. I have before me a list of names who, through the course of the day here, have been presented to me as being persons how might add to the sum total of the information that the committee has been striving to receive. I am going to read the names of those whose names appear here, and I am going to ask that those who feel that they have anything in addition to what has been offered here—and I hope we can avoid constant repetition, and I am sure you want to help us avoid that—but if you have any information or complaints in addition to what already has been offered, I want you to feel free to make known your wish to be heard at this time. These names are: Jake Smith; Harold Hammond; James Chambers; Irving Corse; J. R. Jones; Cy Ferrin; Joe Jones, which may be J. R. Jones, I don't know; Carl Barber; and Charles Moore. Are any of those who have been named here, and who desire to be heard?

Mr. PICKETT. I called this afternoon for Mr. Edmiston. Is he present?

Mr. NIELSON. He was here a little while ago. He stood on the porch for a time, but he had no idea what he was asked to be here for.

Chairman NYE. Some of his neighbors have indicated to the Chair that he would be able to speak for them, and they hoped he might be called.

Mr. NIELSON. I think he has gone home by this time.

Chairman NYE. The committee has learned that there are communities in the county that are not included within the Snake River Land Co. project who want to be included, and they, too, should be given an opportunity to be heard before this committee if they desire it.

Under date of May 29, 1933, a group of settlers who, I understand, reside south and west of Jackson Hole, addressed to the Director of the National Park Service the following letter [reading]:

EXHIBIT No. 71-A

CRYSTAL SPRING RANCH,
Jacksons Hole, Wyo., May 29, 1934.

HON. HORACE M. ALBRIGHT,
Director of the National Park Service,
Washington, D.C.

DEAR SIR: The undersigned, who are landowners in the Jackson Valley, who own land adjacent to the south boundary line of the Grand Teton National Park and thence running south approximately 10 miles, to the town of Wilson, respectfully request your aid in the disposal of these lands for the benefit of national park and recreational purposes.

We recognize the fact that the lands which we severally own, are more suitable for park, game preservation, and recreational purposes, than for stock raising or agricultural uses.

The town of Wilson could be made an attractive and picturesque south entrance to the Grand Teton National Park. The town already has some new rustic log buildings which are in keeping with western frontier construction.

Therefore, we are asking your aid in bringing this proposal before the proper agencies, with our desire to sell and dispose of our lands for a reasonable sum of money, commensurate with the financial conditions of the times.

Thanking you for any assistance you may see fit to extend to us, we are sir,
Very respectfully,

	Number acres owned		Number acres owned
Hiram H. Harrison	167	M. Byokel	1, 008
Lewis R. Fleming	622	Lillian A. Van Winkle	160
John L. Dodge	720	P. W. Jarvis	120
J. H. Cheney	160	Mrs. Amy M. Cover	160
Clyde S. Foster	93	W. C. Foster	560
A. E. Ward	160	Mrs. Ellen Mangune	430
V. W. Ward	375	M. V. Giltne	1, 640
Reigo Nethercott	306	F. C. Hobbs	640
H. C. Lundy, Jr.	165	George T. Ross	191
Maud E. Fleming	240	Bennie L. Linn	465
Sylvester Cheney	400	D. E. Edmiston	320

Chairman NYE. Is there anyone from that neighborhood who wishes to be heard any further in connection with this? I feel that now is the time and the place for them to be heard, and we are glad to receive their petition. I should state, of course, that this committee does not have it within its power to determine what land shall be purchased or shall not be purchased. Mr. Rockefeller has seen his way clear to make available a certain amount of money to buy a certain section of this territory. Possibly the development may be such in the future that he will want to extend it, but that is not for us to say.

Before asking for those who have requested that they be heard, I want to say that the committee is quite thoroughly conversant with the fact that the Jackson Hole country has been quite thoroughly torn by reason of this Snake River Land Co. project. While we are aware of the fact that into this controversy has entered something more than facts with which the committee is concerned—a large degree of personality and bitterness has entered into it with which the committee has nothing to do and wants nothing to do—I want to congratulate from the bottom of my heart every witness who has appeared before us here, for with very few exceptions there has been a complete departure from anything resembling petty personality, and I hope we can complete the hearing tonight with that kind of a record. I am not saying this as any warning to any of those who remain to be heard tonight, but we do know that they have been more or less in the forefront of this entire controversy that has prevailed, and we know that their ire has at times been very high and keen. I am only going to appeal to them tonight to do their utmost to confine themselves to facts and figures in which the committee has a right to be interested. We are not interested in the personal end of this matter down here, and we want nothing to do with that at all. So, in hearing those who we are now going to call upon to testify—Mr. Simpson first of all—I am sure that we are going to get from them information which they feel is not already amply before the committee.

Mr. Simpson, we will be glad to hear you at this time.

TESTIMONY OF WILLIAM L. SIMPSON

Chairman NYE. Mr. Simpson, a member of the committee has asked how much time you will take with the presentation of your testimony here. I believe that you indicated this afternoon that 45 minutes would cover it?

Mr. SIMPSON. I think I can curtail that, Mr. Chairman.

Chairman NYE. Very well. Will you give your name in full?

Mr. SIMPSON. William L. Simpson; residence, Jackson, Wyo.; occupation and profession, lawyer.

There are some things, Mr. Chairman, that I wish to discuss with this committee.

The exposition of the game question that was given by Mr. Hocker here tonight, I thoroughly agree upon. I have been interested in the protection of the wild game of the State of Wyoming for 50 years—that is to say, I am thoroughly in favor of it, and in my engagement in the profession of the law for 38 years I have never defended a game violator in this State, and I have prosecuted numerous cases. I have made a study of the original herds of elk, antelope, and mountain sheep over half a century in Wyoming. I was born in Colorado in 1868, a little below Pueblo. My people was the early pioneers of that State and this State, I have uncles killed in this State by Sioux Indians. My people brought the first cattle into the State of Wyoming, at Fort Fetterman, in 1874. As a young man, a young fellow of the age of 15, I came up into northwest Wyoming, and my occupation was that of a cowpuncher for a number of years. Afterward, on account of being injured, I could not ride, and I studied law. However, as I say to you, I have always been interested in the game question. I was in this country in 1884, my first experience in the Jackson Hole, although I did not come this far in the valley. At that time, which was in the latter part of October, there were elk herds here—that is, they were going out of here. The original elk herd in this country wintered on the Red Desert near Rawlins, down on the Green River. After the settlement of this country, and after stock came into the country in the lower areas, along the Union Pacific, of course, the elk gradually were driven back, and later it was necessary for them to come into the Jackson Hole country. Originally there was no elk in here. I have talked with a man that wintered in here in 1878, and in January of that year passed through where Moran stands now down into the lower valley and over into the Star Valley, and he tells me that he didn't see only one little bunch of elk, but that there was many deer, whitetail and blacktail.

But I am interested in this subject, and I think that I can say this—as I look at the plan proposed, in that area, outside of the area of the winter bill, that there is not 1 acre of winter feed that can be obtained by elk or any other game in that area except Blacktail Butte, and possibly the ridges above Kelly. I am not talking about the Gros Ventre country. That country sustains a portion of the elk herds that do not go to feed although they are attempting to bring that herd to the feed in case of necessity about the mouth of Crystal Creek. In the lower valley—and that has not been discussed much here—there are some three or four thousand head of elk that winters on the open range. The lower valley is what I would call this

in here, down to the mouth of the Hoback and up the Hoback into the canyon. They are now feeding some of these elk.

The elk herd today, in my judgment—and I have observed it in this country all my life—is about 25,000 head or more, and, in my judgment, too many. I want to get the picture into the minds of this committee that within the area proposed to be taken into this park, that there is no winter grounds except what I have stated to this committee, and I don't think anyone will deny it. From 4 miles above Jackson and on up to Moran in the winter there is from 3 to 4 feet of snow laying on the level, and that is true except in a few small places where some elk may winter. So I say to this committee that the proposal and the talk about wintering and feeding and winter range for elk in that area is not feasible, in my opinion, outside of these small areas.

Now, as to antelope, as suggested by one of the witnesses, I think Mr. Fabian or possibly Mr. Burt, that they intend to bring antelope into this country, I wish to say that that is an utter impossibility. I have seen antelope in the Green River country in herds as far as your eye could reach in the fall of the year coming out of this country, and I have seen thousands upon thousands of antelope here in the summer. There are two entrances into this locality, and they range as far as the south boundaries of the Yellowstone National Park, usually up Green River and over onto the Gros Ventre, and the other area in which they come in here was through the Hoback Basin, down through the canyon and over the hills or up Horse Creek and right through where we are sitting now. I have killed antelope within 50 yards of where we are sitting out of herds going down in the fall. I know that without the antelope being confined in here that they will not under any condition live here or feed with the elk, and you cannot feed them and you cannot propagate them, so that this talk that has gone out about this being a game conservation or preservation question, in my opinion, is unfair. I just want to make that plain, because it is an impossibility.

I have always felt that Wyoming's elk herd was one of its biggest assets. Prior to 1895, I imagine that there was something like 50,000 head of elk in this range and area in Teton County alone, and south to the Union Trail and on the heads of the Snake River, and as far east as the Owl Creek range, and I am quite satisfied in 1895 that territory held that many elk alone.

In 1868 the Government made a treaty with the Bannock Indians and also the Shoshones, which are of the same tribe, at Fort Bridger, and in that treaty they were given the right to hunt upon the public domain so long as the game existed thereon, and prior to 1895 they hunted all over this area, this territory in here. In 1895 I was with posses that went out into these hills and mountains as far south as Green River in apprehending these Bannock Indians, and we found in their camps as high as 500 hides or maybe more, and it was evident that they were killing for the hides. In 1895 there was a very few of us people in here. I do not say that I was with the first posse, but during that year we attempted to get some relief from the Government, from the War Department, on account of these Indians hunting promiscuously over the country and killing our game. I do not believe in this country at that time there was over 25 families, and they were mostly in the southern part. I lived over here on my homestead where this Biological Survey ranch is. My father and mother lived there, and

we had come into this country to make a home. Now, then, we went out and arrested these Indians. We had trouble with them, and there was a number of Indians killed, unfortunately, after their arrest, and that brought about the famous test case known as "Race Horse Case", which originated here in that controversy between the Bannock and Shoshone Indians and ourselves in the protection of this elk herd, and that case determined that the game within the State of Wyoming belonged to the State and established the precedent that we assumed and took care of in the future as we administered the game laws. In Jackson Hole at that time and for several years afterwards, all of the outside States and their hunters came in here, and we had no sufficient game laws. Idaho and Montana principally came in here and were killing promiscuously this elk herd. Mr. Robert E. Miller, who testified here the other day, and myself and Mr. Nowlin drew the first law providing for a licensing system for hunting, and Mr. F. C. Henderson introduced it. While it was rejected by the legislature of 1896, 2 years afterward we had it passed. The law had been declared unconstitutional by a number of States, but Pennsylvania finally held it constitutional. That law, with that beginning, and through the acts of the legislature each year getting better in the administration of the law and the protection of this game, has brought it up to the present situation, of State control, which I honestly believe is essential for the wild life of northwest Wyoming. That is as far as I am going in the game question.

Now, gentlemen, in the controversy existing here in regard to the proposed park extension, I wish you to understand this—my opinions are based upon what I believe to be right, and I give the other fellow credit for his opinion. I have been actively engaged for a great many years in the practice of law and have never lost my interest in this country. My father and mother are buried here, and my family live here, and, owing to illness, a few years ago I came back here, not to practice law so much but just to live here during my allotted period of time. This matter was in controversy at that time. Naturally, I examined into it, and from the men that I talked to here—most of whom I had known for years, and Mr. Miller was one of them—I was satisfied with that plan which Mr. Miller placed before me. It was then designated as the original plan, which I understood, to be this—that there might be a rounding out of the Teton National Park, extending perhaps to the Snake River bridge, and that was all as far as park extension was concerned, which was outside of this original plan. The original plan, as I understood it from friends here in this valley, was that certain land in the Buffalo-Snake area, the Ferrin land, perhaps, and the Hatchet Ranch, and some of these wonderful hay ranches, should be purchased for the conservation and protection of the elk; that certain lands in this upper country were to be purchased for the drifts of the elk to the winter range—and I say to you, that the only winter range in Jackson Hole, except what I have mentioned around here and on the Gros Ventre, is what is known as the Winter Bill area. I was here a year before I heard any discussion of park extension. That was a new Jackson Hole plan. I wanted to know what the Jackson Hole plan was, but I had a great deal of trouble in getting at it, but I finally did. I am going to say that this plan is the one that was furnished me by one of our United States Senators as to what the Jackson Hole plan was, sometime during the year 1929 and

towards the later part of that year. I wish to read this to the committee, as it is the foundtaion of some things that I wish to say. This plan is as follows [reading]:

EXHIBIT No. 72

The Jackson Hole plan is a suggestion for the setting aside for recreation and game propagation, preferably by annexation to the Grand Teton National Park of Wyoming, of approximately that certain area in Teton County, Wyo., indicated on the map attached which is made a part of the plan.

The basic idea of this plan is that this country shall be kept in as nearly a primitive state as possible, with no new roads except as are required to provide trunk highways through the area, no forms of commercialism except as are necessarily required to provide accommodations and facilities for the traveling public; that these accommodations shall be, in location and design, in keeping with the general character of the country.

The plan includes the gradual elimination of private ownership of lands within the area, under arrangements satisfactory to the owners of such property; the right of Teton County to tax privately owned personal property within the area; the liberal reimbursement of Teton County for loss of its taxable valuation until such time as the valuation shall increase in said county to a point sufficiently to properly maintain the county government.

It includes the right to graze cattle owned and operated on Jackson Hole ranches in approximately those certain areas marked by blue hatched lines on the attached map, as follows: in the spring of the year, when turned off the winter feed grounds, until and not later than the opening of their respective ranges on the national forest; and in the fall of the year, at the time of, but not before, the closing of the summer ranges on the national forest, until the cattle are turned on the winter feed grounds.

Under the plan, dude ranches may continue to operate for a definite period within said area under arrangements to be worked out satisfactorily with the owners of such resorts.

There shall be maintained certain hay lands suitable for raising hay to feed the game during severe winters, and all other valley land within the area shall be open for spring, fall and winter range for the game.

The above provisions shall be safeguarded in the act of Congress creating said area.

Senator CAREY. That was not a plan by a Senator, was it?

Mr. SIMPSON. That was sent to me, I think, by Senator Kendrick through some source or some report. I think it was taken from a report that I saw afterwards, I don't think there is any question about that.

I made inquiries at that time, myself and associates, because that was the first information that we had of any proposed park extension and this original plan. There wasn't much discussion in the country about it. It is true that the Snake River Land Co. were buying promiscuously in this area, but no one could stop that, because I did not assume to tell my neighbor, and I do not think that my associates assumed to tell them, that they should not sell if they wanted to. That was their business. I have taken the position all the way through this controversy that if a man wanted to sell his property for a price, it didn't make any difference if it was to Mr. Rockefeller or who it was. All of the way through, however, I was opposed to park extension, because I understood directly from Senator Kendrick—whom I have known since 1886 on the cow range—that it was promised when Teton Park was created that there would be no further park extension in Wyoming. I understood him, and I think he will confirm me in that statement as to what was said to him by Mr. Albright at that meeting, that that was the understanding. Anyway, he has

written it in his correspondence, and I am quite certain that he believes that.

Now, then, as we progressed in the matter, it became absolutely certain that in the fall of 1930, and up to in the latter part of that year that there were certain things that were going to be done in the legislature—that is to say, that Mr. Deloney, who, up to that time—and I say it candidly—until he testified into the record here yesterday, I didn't know where he stood on park extension, and I have lived here all of the time—now, then, I didn't want to go quite that strong—I mean his determination, in his actions—in January or the latter part of December, Mr. Deloney went to Salt Lake, and he was then a member of the legislature—and I am stating this from hearsay, and Mr. Fabian and his associates may make any statements into the record that they please—but I was advised that about the first of the year Mr. Deloney showed to these gentlemen a copy of a bill which he said he was going to present in the legislature of the State of Wyoming. That bill was simply a cession or a ceding of this territory by the State for a national park extension. We became very much exercised over that matter. We have a Lion's Club, a civic organization here, consisting of 40 members, all good, honest, respectable citizens of Jackson Hole—merchants, stockmen, good men, good citizens—and we met on two different occasions, the last occasion at which there were 29 members present, and there was introduced at that time a resolution, which was passed by the Lion's Club, the successor of the Jackson Hole commercial body, unanimously, with one exception, and that was Mr. Carl Bark, who did not vote for it. That resolution I wish to introduce in evidence in this case as showing the beginning of the controversy that has gone on.

(Whereupon, the resolution in question was marked for identification as exhibit 73, and is as follows:)

EXHIBIT No. 73

RESOLUTIONS

Whereas further national park extension, in northwest Wyoming, vitally affects the future of our community, as well as the entire citizenship of Wyoming, and the future progress of Jackson Hole, as a factor of the State, and

Whereas we believe its for the best interests of the community and the entire State, in view of certain well defined interests and propagandists who becloud the issues, thus submerging the viewpoint of the citizens of this territory, that the Jackson Lions Club, as successor to the Jackson Commercial Club, express by resolution its attitude on "Further National Park Extension", the methods of men and Government officials, park bureau officials and paid individuals who by acts, words, propaganda and practice, are befuddling the issues as regards the position of the greater part of the people of the State of Wyoming, as residing in the northwest part of the State, therefore, we do now present to, and hereby adopt as the act of the Lions Club of Jackson, the following and specific objections by way of this resolution, that is to say

I

We are unalterably opposed to any further extension of the Yellowstone National Park south of the present lines, or the creation or extension of any other national park in northwest Wyoming, as inimical to the best interests of the people of the State and its future progress.

II

We are unalterably opposed to the purchase of lands by private subscription, for further national park extension, in whatever guise, or philanthropic ingenuity

the method was or is conceived, the purpose being to wipe out the citizenship of this community, and destroy the taxable values necessary for a proper maintenance of Government in Teton County, Wyo.

III

We oppose the secret methods of the Snake River Land Co., with its vast appropriations of eastern money, now the owner of large areas of land in Teton County, Wyo., dealing with, or conveying these lands to the Government of the United States for any purpose whatsoever, unless these lands be conveyed to the Forest Service Bureau of the Government, for use for livestock grazing, for game preservation or propagation or control, under the authority of the State to whom the game of the State belongs.

IV

We call attention to the Legislature of the State of Wyoming, and to our senators and representatives in Congress, of the actual fact of the Snake River Land Co., a Utah corporation, representing the interests before mentioned, its agents, stockholders, directors, and local paid employees in organizing and creating corporations, within the area of its present operations, for the express purpose of obtaining all of the valuable concessions within the proposed national park extension, the lakes, rivers, streams, camping places, roads, transportation, boating, hotels, and permanent camps, all with the knowledge and consent of the National Park Service authorities, the National Park Service and the chief officers thereof who now control all privileges within the Forestry Service over its domain, and over which it has heretofore had jurisdiction and control.

V

We particularly call attention to the citizens of the State of Wyoming, Governor, and all State officials and county officials, as to any further park extension as it affects our great recreational and hunting ranges of the State. For in park extension, the wild game of the State immediately reverts to Federal and bureaucratic control, eventually, extinction. We maintain the present care and control of the wild life of the State is sane, reasonable and right, is for the benefit of the entire people of the United States under proper restrictions as to hunting within our game ranges.

VI

We oppose Federal or National Park Service control of the wild game of the State. We oppose the national park authorities having any control of the wild life of the State (outside of the present boundaries of the national parks now created) and call attention to the fact that the urgent necessity of, and the acts of the national park officials, in attempting to create by extension the Yellowstone National Park, was, and is conceived for the express purpose of the absolute control of the wild life of the State, to the exclusion of the people of the States therein.

VII

We respectfully suggest to the State Legislature of the State of Wyoming, that the present Member of the House of Representatives from Teton County, in no way represents this community in its viewpoint on park extension; that his past record as opposed to park extension, not only in person, but as the sole representative of the honorable Governor of State on the important Elk Commission, justified the voters of Teton County, in returning him to the house of representatives of this State, his present position as this club is advised, and believes, is diametrically opposed to his former strong position and argument against future park extension he so logically presented at all meetings of the Elk Commission and in the halls of our own State legislature. Its not that we fear for ourselves, our community, out county, or our State, but for the fullness of the change of heart of our heretofore valient and able supporter, now enrolled under a banner of private interests to denude the State of its last remaining ground for its people.

I hereby certify the above and foregoing was passed and approved by the Lions Club of Jackson, Wyo., and I, as secretary thereof, was instructed to furnish copies to all Lions Clubs in the State, to ask their influence and immediate support to prevent the further encroachment of the Federal Government and its National Park Service upon the public domain in the State, and the control of the wild game of the State, when its ultimate object is achieved, that this resolution and

proceedings be printed and copies forwarded to Members of the United States Senate and the House of Representatives and all State officials be furnished a copy hereof.

I hereby certify the above and foregoing resolution was duly passed and approved by the Lions Club of Jackson, Wyo., at its regular meeting on the 9th day of January 1931, and by the unanimous vote of said club, except one.

BEN F. GILLETTE,
Secretary.

The issue from that time on was squarely between the opposition on the one hand, of which I am one, and the other interests, who may have been citizens, or who may have been members of the Snake River Land Co. and their agents, but there was a controversy and that controversy has been going on in the same way since then.

We maintain that the enlargement of the Teton Park or the present plan will absolutely destroy the business interests, the stock interests, and everything that makes up the economic condition of Jackson Hole and especially of Jackson, and when I heard testified to in this hearing by Mr. Fabian and Mr. Winger that the original plan was to take in all of the Jackson Hole, including South Park and all of that territory, I could not conceive that 3,500 native American citizens would be anywhere but out of the picture. They will be out of the picture, gentlemen, unless you make a recommendation that is carried forward into legislation of some kind. If you want to place them out of the picture, I think the proper thing to do is to let the Snake River Land Co. have that area for the purpose of giving it over to the national park system. I have the statement of one merchant that he did a business of 16 to 20 thousand dollars north of the Gros Ventre River in 1928, and in 1930 he did \$600 worth of business. That is what it has taken out of the economic life of this country. I have seen and observed the buying of lands, and I call attention in particular to Mormon Row. Those people have the richest agricultural land in the State of Wyoming, and look at what they testified to here today! Their lands are being ruined by the vacant cultivated lands, and they have no market. While I blame that to some extent upon the petition of Governor Emerson to be left out of this project, I do feel that if they want to sell and if the Snake River Land Co. wants to buy them, and you are going to extend this park, that they should receive a fair price for their lands, and I think nobody should try to stop them.

One of the most detrimental things in this whole territory in my judgment, is the restrictions placed by the Forestry Service in regard to our extension in the building of summer homes and our progress as a community in other directions. If we could get this country back and have these withdrawals set aside, I am convinced from what I know that Teton County would increase in assessed valuation with 3 or 4 or 5 years over \$2,000,000 in summer homes alone. We have asked that the withdrawals be set aside. We realized that in the beginning that they must be set aside, and now we are fighting for the advancement, and my associates are fighting for the advancement and progress of Jackson Hole upon the theory that it is better in the hands of the people than in the hands of the Park Service or any other bureau that will not afford us the right to progress. In order to show this committee that we, on our part, have been diligent in asking for this relief, I am going to ask the committee to permit me

to introduce a resolution of the Lion's Club in regard to these withdrawals, which gives you very concrete information as to these withdrawals.

Chairman NYE. What is the date of that resolution?

Mr. SIMPSON. The date of the first resolution is the 9th day of January 1931. That is the one that has been introduced.

Chairman NYE. And what is the date of this second resolution?

Mr. SIMPSON. This is the 12th day of March 1931.

Chairman NYE. Has the Lion's Club taken any action since that time?

Mr. SIMPSON. No; we have not.

Chairman NYE. There has been no reversal of the position taken at that time?

Mr. SIMPSON. None whatever.

Chairman NYE. All right; I take it that the resolution may be received.

(Whereupon, the resolution in question was marked for identification as exhibit 74, the same being as follows:)

EXHIBIT No. 74

A RESOLUTION

Protesting against park extension to include parts of Teton County, Wyo., or otherwise jeopardizing the interests of residents and taxpayers of Jackson's Hole in western Wyoming

Whereas a vast territory lying, and being within the boundaries of Teton County and Teton National Forest, State of Wyoming, comprising approximately 892,000 acres, in which is Jackson Lake, and which includes 140,000 acres of known coal and phosphate lands, and other vast resources, has heretofore been withdrawn by Executive order, from all forms of entry or settlement, for which the public domain of the State was intended; and

Whereas in this vast area are precious metals of great value, farming lands that have and will continue to produce agricultural crops of all kinds, valuable beds of coal, unused hydroelectric power, water storage for the Minidoka irrigation project, irrigation water for the use of all lands therein, billions of feet of timber of commercial value, now permitted to mature, fall, and rot; thousands of acres of valuable grazing lands for livestock, over and above that needed for the wild life of the locality, for summer or winter grazing; and

Whereas the county of Teton, created and organized as a component part of the State, for the use of the entire area therein, by loss of taxable wealth, from nonsettlement and use of the area withdrawn from use, the continuous efforts of the National Park Service to obtain control thereof, the denial of the rights of the people to use or possess any part thereof, for settlement or summer homes, or ultimately be upon such areas without being pressed for trespass; and

Whereas this vast area of public domain within the State and Teton County unoccupied and unappropriated, is the nucleus of a vast empire of community wealth, recreation for the people of the State and Nation, now retarded, as we honestly believe, in the interests of private and commercial corporations of the State of Utah, whose acts and public records disclose that they have no interest in the State or community other than to exploit and commercialize the natural resources therein for private gain; and

Whereas agitation for the inclusion of this vast area of taxable wealth in national parks has irreparably injured and damaged the taxable wealth of this community, retarded investments, restricted settlement, or use of the public domain, causing great hardship to the community and its interests; and

Whereas in this vast area has been purchased private lands of settlers, under most peculiar representations, originally under a reasonable representation, to propagate and protect, in the interests of the State of Wyoming, the large game herds; it now appears, to establish national parks, and to assume control and management of the wild life therein, under Federal control and license, and to exclude

the people of the State and community in any use or control thereof: therefore, be it

Resolved by the Jackson Lions Club, successor to the Jackson Hole Commercial Club, That we respectfully request that all withdrawal orders of the Executive of the United States be annulled and set aside over the lands withdrawn within this region; that the areas within the withdrawals be immediately opened for use of the people for settlement and use, and that such areas that are within the jurisdiction of the Forest Department be used under its former administration; for settlement, special use, recreation, summer homes, stock grazing, and use of forest products; that any further legislation for the creation of, or enlargement of national parks within this part of the State of Wyoming be opposed by our Representatives in Congress forever; that we appeal to the people of the State of Wyoming and the entire West for their undivided support to preserve our homes and community.

That these resolutions be forwarded to our Representatives in the National Congress, State, and county officials of the State, all Lions clubs in the State, all commercial bodies, and the press.

I hereby certify that the above resolution was adopted by the Lions Club of Jackson, Wyo., at a regular meeting, held on the 12th day of March, 1931, by the unanimous vote of the club.

BEN F. GILLETTE, *Secretary.*

Attest:

L. M. GILL, *President.*

Now, then, as we view the situation, we feel that one of the efforts of the Park Service is to get control of the elk herd, or some other bureau of the Government. As you go into these matters, there are so many things brought into it through propaganda that we do not understand at all. For instance, it has been recommended by elk conservation committees, the Elk Commission, the camp-fire clubs, and clubs interested in the protection of game, that there was only one thing to do, and that was to feed the elk herd. That, in my judgment, is correct. But within the last 18 months or 2 years there have been reports, men coming in here from some of these eastern clubs, just as it was intimated in Mr. Fabian's testimony, that the elk herd is going to be destroyed unless this plan is put through. It cannot be handled in that way. That is an impossibility, gentlemen. I have seen 3,000 head of dead elk between here and the Jake Hicks springs a mile above here when we don't have any hay. I have seen the most pitiful condition among the elk herd that you can imagine. We have got to fight that situation.

I will say to this committee, as far as the business of Jackson is concerned—and I think I am pretty well acquainted with it—there has been a number of our merchants gone broke. I think the economic condition here is 60 percent worse than it was in 1927 and 1928. That is the situation. Although we have had the depression in here, we have fed our own people and we do not have any poor.

Now, then, there has been put into the record here a very nice picture by Mr. Fabian and Mr. Burt and others in the way of showing their side of the controversy. I and my associates have taken issue with that. We have replied to the Albright letter, and we have replied to the Fabian letter, and that has been published throughout the State and by other publications. This committee has permitted an ex-parte statement to be placed in the record by the Snake River Land Co. officials, and also the statement of Mr. Albright as Director of the National Parks. The reply to that, while it is quite extensive, takes up this issue and makes it very plain as to certain things that have been done, because the evidence should be based upon the record and not upon any statements made without the record. Outside of perhaps what I might have said here as a foundation for

my remarks, I would be very much pleased if this committee would accept that as our position in this matter.

Chairman NYE. Mr. Simpson, you are referring now to the letter that has already been made a part of the record?

Mr. SIMPSON. Yes, sir; the reply to that letter.

Mr. PICKETT. That is not now a part of the record, Mr. Chairman. That is the letter that Mr. Simpson says was a reply to the letters which were placed in the record.

Chairman NYE. I think that a reply was written by you, was it not?

Mr. SIMPSON. Yes, sir; and that is what I want to go into this record.

Senator CAREY. I made a motion this morning to include that, but I withdrew it. I had the wrong paper.

Chairman NYE. You would like to have that reply made a part of the record?

Mr. SIMPSON. Yes, Mr. Chairman, I think our people would very much like it.

Chairman NYE. That will not be denied. Let it be received.

Mr. SIMPSON. This was published in four different issues of the Grand Teton in reply to Mr. Fabian's letter and Mr. Albright's letter. As to the letter that was published of Mr. Rayburn, I am not interested in that.

Mr. PICKETT. Mr. Chairman, for the purpose of the record, is it to be understood that these papers will be attached to the original record and not copied in?

Chairman NYE. Yes, they will have the same status as the letters of Mr. Albright and Mr. Fabian and the others.

(Whereupon, the four issues of the Grand Teton which were referred to by the witness were received in evidence, and are attached to the appendix of this record.)

Chairman NYE. Mr. Simpson, you have spoken of yourselves and associates; is the committee to understand that, generally speaking where the letter refers to "associates" it means the Lions' Club?

Mr. SIMPSON. No; it means such people as Miller, in his position, which he has very clearly stated to this committee; Mr. Van Vleck, a merchant here; Mr. Mercill, Mr. Sheffield, and people like that; Mr. Imasen, a sheep and stockman, and a great many who believe as I do.

Chairman NYE. Mr. Simpson, the Lions' Club is the same club that made manifest to the governor its displeasure as to the inclusion of the Mormon Row property in the project?

Mr. SIMPSON. I say to you, that the Lions' Club never, in my opinion, prevented the sale of that referred to as the Mormon Row proposition; in fact, they would not do that.

Mr. PICKETT. You heard the testimony here?

Mr. SIMPSON. Mr. Budge stated that the Lions' Club—that they were ready to sell when the Lions' Club resolution came out; I am sure he meant that.

Mr. PICKETT. You are sure he had reference to one of the resolutions you had placed in the record?

Mr. SIMPSON. I think at that time they were ready to sell, and this came out and prevented it, but I will say this, that Budge is all mistaken in that. I think what he does refer to was that after the

Lion's Club resolution came out that Mr. Neilson and others came out in favor of park extension, and published their articles in the Jackson Hole Courier, and that I answered those letters and that I sent a copy of the letter to Mr. Budge. I think that is what he refers to, but I feel quite certain it is because there was a mention made in that letter that they take the position that they wanted to sell.

Chairman NYE. Is there a commercial club in Jackson?

Mr. SIMPSON. The Lions' Club succeeded the commercial club and acts in that capacity.

Chairman NYE. How aggressive is the Lions' Club at this time?

Mr. SIMPSON. Well, it is a very substantial business mens' club. If there is any road matter comes up, and we want to do things, we go to the Lions' Club. We just recently promoted a meeting of 250 people on this compact to discuss the compact between the State of Wyoming and the State of Idaho for our waters; we do those things.

Mr. PICKETT. What is the membership of the Lions' Club?

Mr. SIMPSON. The Lions' Club now is simply like other things, it has 22 or 23; it was as high as 40 at one time, but it is simply a matter of where there is a lot of fellows who cannot pay their dues now, that we have to pay. For instance, we have some boys in the game and fish department, who are drawing salaries, and things like that, and while they do not attend the Lions' Club, and they are not paid members, because it takes \$2.50 a year to pay——

Mr. PICKETT. Do members of the committee wish to question Mr. Simpson further.

Mr. PICKETT. I think, for the purpose of the record, to avoid any conflict in the future—have you ever sought to affiliate yourself in the service of the Snake River Land Co.?

Mr. SIMPSON. Just what do you mean?

Mr. PICKETT. Have you ever sought to place yourself in their employment?

Mr. SIMPSON. No, sir.

Mr. PICKETT. With the Snake River Land Co.?

Mr. SIMPSON. No, sir, at no time, assuredly not.

Mr. PICKETT. Have you gone east at any time in the interests of your viewpoint here?

Mr. SIMPSON. No, sir.

Mr. PICKETT. I have no more questions; thank you, Mr. Simpson.

Senator ADAMS. You are doubling up on your activities, and you run a newspaper as well as a law business?

Mr. SIMPSON. That newspaper was established to put our position plainly before the people of the State of Wyoming.

Chairman NYE. Are you sole owner of the newspaper?

Mr. SIMPSON. No, it is a stock proposition.

Chairman NYE. Who is interested in it?

Mr. SIMPSON. Mr. Van Vleck, Mr. Gill, Mr. Mercill, and Mr. Gabbey have a little stock in it.

Chairman NYE. Mr. Miller?

Mr. SIMPSON. No, Mr. Miller hasn't any, he has nothing to do with it whatever.

Chairman NYE. Is that paper in any way indebted to Mr. Miller or his bank?

Mr. SIMPSON. Not one cent.

Chairman NYE. That is all, Mr. Simpson; thank you.

(Witness excused.)

Chairman NYE. When we convened on Monday morning Mr. Neilson presented certain credentials. These credentials were in three parts. One was a letter of authorization signed by 28, representing themselves as property owners of or near the town of Grovont. Another is an authorization to him to represent a number of dude ranchers, and the third is a certificate indicating his authorization and appointment by the city council or town council and mayor to represent that body before the hearings of this committee. As Mr. Neilson is about to be heard I am about to ask that these letters of authorization be printed in the record of proceedings and testimony.

(Whereupon, exhibit no. 75 was marked for identification and made a part of the record herein.)

EXHIBIT No. 75

LETTER OF AUTHORIZATION

We, the undersigned residents and property owners of and near the town of Grovont, otherwise known as "Mormon Row", in Teton County, Wyo., hereby request and authorize Wilford W. Neilson, Esq., to appear for and represent us before the Senate committee sitting in said county during the week beginning August 7, 1933, to inquire into the activities of the Snake River Land Co. and others, the said Wilford W. Neilson having been unanimously chosen to do so at a mass meeting held at Grovont on Monday evening, the 31st day of July 1933, in order that we may be fully heard and express our approval of the Snake River Land Co.'s program.

(Signed:) J. H. May, James Budge, Mary A. Budge, Mrs. J. H. May, Mrs. Gerrit Hardeman, Mr. Gerrit Hardeman, Mr. Joe Pfeifer, Luther Taylor, A. H. Chambers, I. B. Chambers, T. A. Moulton, Mrs. T. A. Moulton, Mrs. Laura B. Seeböhm, Ben Taylor, Mae O. Kafferton, Chet Stahn, Pearl Stahn, H. Harthoorn, Margaret C. Harthoorn, J. W. Moulton, Mrs. J. W. Moulton, J. B. Heninger, Sally Heninger, John A. Moulton, Mrs. John A. Moulton, Mr. and Mrs. Henry Gunther, Mr. and Mrs. Jack Woodman, Dr. Chas. W. Huff, 960 acres in the area mentioned but who resides in Jackson.

EXHIBIT No. 75-2

TETON COUNTY, WYO., *August 4, 1933.*

We, the undersigned dude ranchers of the Jackson Hole country, desire that we be represented at the coming senatorial investigation by the Hon. Wilfred Neilson, prosecuting attorney of Teton County, in order that we may express our approval of the Rockefeller project.

Double Diamond Ranch, by Frank R. Williams; Bar B.C. Ranch, Struthers Burt; Bar B.C. Ranch, Irving P. Corse; Bar B.C. Ranch, Bill Howard; Harold R. Hammond, White Grass Ranch; Marie Ireland Hammond, White Grass Ranch; John S. Turner, Pro. Triangle X Ranch; Crescent Lazy H. Ranch, Edward G. Brown; Crescent Lazy H. Ranch, Gerald H. Brown.

EXHIBIT No. 75-3

THE STATE OF WYOMING,

County of Teton, Town of Jackson, ss:

CERTIFICATE

I, N. J. DeLoney, do hereby certify that the following is a full, true, and correct copy of that certain portion of the minutes of the meeting of the mayor and town council of said town, held within and for said town on the 1st day of August 1933, in reference to appointing counsel to represent them at and before the Senate investigating committee at the hearings to be commenced in said town on the 7th day of August 1933, to wit:

"Representation town Jackson at investigation. Motion, Homer Richards that Wilford W. Neilson be employed as representative of town of Jackson as counsel before Snake River land investigation to be held August 7, carried unanimously."

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said town this 7th day of August 1933.

(Signed) N. J. DeLONEY,
Town Clerk.

TESTIMONY OF WILFORD W. NEILSON

Chairman NYE. You may proceed, Mr. Neilson.

Mr. NEILSON. I do not mind telling you that I was more or less sorry for you for the job you had when you opened here Monday, but I want to say right now that I think this committee has been very patient and have worked diligently to get at the bottom of this thing, and I think you have pretty well done that, and I do not think I will add very much to what has been said. I want to say this, that, while I am on the stand, I would like to be questioned in reference to anything that counsel thinks should be brought out from me, and I want to say that I mean that in connection with the Jackson Hole Courier, also, of which I am the editor.

Chairman NYE. Mr. Neilson, there are distinctly two factions in this community?

Mr. NEILSON. Yes; absolutely.

Chairman NYE. Would the presence of a third newspaper, conducted by a third lawyer, create a third faction?

Mr. NEILSON. I believe the field is crowded, Mr. Chairman, at the present time.

Chairman NYE. Having been in that profession, Mr. Neilson, I am quite convinced that it is crowded.

Mr. NEILSON. I am going to start pretty early, but I shall be very brief. I am a native of the State of Wyoming; my parents pioneered before it was a State. During that time I became, in the early years, acquainted with the rugged life of the pioneers, I learned to love the game, and the game was the salvation of the pioneers in those days. I have not got over those ideas, and today I think that is the foremost thing in the picture of this park-extension controversy in Jackson Hole. I also spent a great deal of time on just such land as that situated at Mormon Row. I know from personal experience the type of problem they are up against in that section. In the earlier days I was opposed to park extension, I fought the creation of the Teton National Park to the best of my ability; when I came to Jackson Hole that seemed to be the main topic of conversation. There was a move on to create a park, and the south park people were among others that bitterly opposed it. I have never reconciled myself to

the creation of that park. When it was done the driving wedge into the balance of this country was created. I mean by that that it placed the people here in such a position that, in the future, if a movement were started to take in any additional country, it would not be difficult to do so.

I have often heard Senator Lundy speak of the meeting at the JY Ranch, at which Albright is supposed to have made the remark that if Grand Teton Park was created there would be no other extensions. I have also read Albright's letter that he does not recall making that remark. It is very unfortunate if he did make it, because Albright, as you can plainly see, was in no position to pledge his department or the Department of the Interior. He might resign at any day, he may drop out of office, may be called by death, at which time his promise would no longer obligate his department, if, indeed, it would at any time. It was, therefore, a very foolish thing to say, if he did say it, and for that very thing I doubt if he ever made that remark.

Senator CAREY. You doubt Senator Kendrick's word?

Mr. NEILSON. Yes; I doubt that he made that remark; I would not say that I doubt Senator Kendrick's word.

Chairman NYE. I do not doubt Senator Kendrick's word for 1 minute, but I was present there at practically all of that meeting at that ranch that night, and that next morning. I remember very distinctly an agreement being reached that night that there would be no hotels, no improvements within Grand Teton Park, and when I am asked if I recollect Albright saying that that would be the end, that these boundaries then established of Grand Teton Park would be the close, I cannot put 2 and 2 together and make it 4, because I remember Albright and others spoke at that time in contemplation, hopeful, of a time when possibly there could be included within the confines of Grand Teton National Park a wider area, but he was not aggressively pushing the matter at that time, and no one else was, and it would not have been by any manner of means a matter of policy to have done so.

Mr. NEILSON. What I wish to get at there, it was equally foolish for Senator Kendrick to rely upon any such statement, because, in his position as a United States Senator, or a learned man, he should know that such a promise could not obligate the Department of the Interior or the National Park Service.

Senator CAREY. Did you say that Senator Lundy said there was such an agreement?

Mr. NEILSON. No; I stated that he had often recounted to me the details of the conversation that took place at the JY Ranch, but never mentioned to me anything of this nature that Albright made any such remark. Mr. Lundy expressed to me the thought that he was very much opposed to the creation of the Grand Teton National Park and was very adverse to Senator Kendrick's attitude on that particular occasion but, as I say, the whole matter is entirely beside the point, because it should not have been relied upon if the statement were made, and the statement should not have been made in the first place if, indeed, it were.

Another thing that is confusing in the minds of a lot of people, is that the Snake River project was under way before Grand Teton National Park was ever created. The buying began in this country, I believe, in December 1927, the first purchases were made here by Mr. Miller as a representative of the Snake River Land Co. Grand

Teton National Park was not created until the following year, in 1928. It is, therefore, reasonable to believe that it should have been known by Wyoming's delegation in Congress that their plans were even then under way for a larger and greater area in this country to be administered by the Federal Government.

Senator CAREY. Mr. Neilson, you will admit that Mr. Albright had knowledge that this was being done?

Mr. NEILSON. Which was being done?

Senator CAREY. That these lands were being bought, and I do not think he advised the Wyoming delegation.

Mr. NEILSON. If you will pardon me, I have never felt it was the duty of Albright to advise the Wyoming delegation in Congress; I have always felt that the Wyoming delegation in Congress should always know what is going on in their own State, particularly a project such as this Snake River Land Co. project, at least within a year's time of the creation of the Grand Teton National Park.

Mr. PICKETT. Did you know in the summer of 1928 that this was going into the park?

Mr. NEILSON. No; but I knew it was being purchased by the Snake River Co., and I think I am one of the few people who went to Miller and objected to the purchase on the grounds that it would eventually be added to some Federal bureau and thereby withdrawn from taxation.

Mr. PICKETT. That changed your idea?

Mr. NEILSON. I am coming to that. As I say, I did object to the early purchases. I had a reason for that. I came into this county when it was having a severe struggle for existence. Shortly after I came we had a flood up here on the Gros Ventre River. It destroyed the town of Kelly and a lot of taxable values. About the same time the Isaak Walton League came into this country and purchased some area beyond the elk refuge. Those lands were turned eventually to the Federal Government and withdrawn from taxation. This county was created under special act, without having the necessary population or the necessary valuation to function as other counties in the State of Wyoming. It has, therefore, been crippled from the start, and, as county attorney, I have been doing my part, I think, in nursing it along. I was interested, and told Mr. Miller when his project was finished the lands would be turned to the Federal Government, and this county would have a small chance to function. I continued off and on to make that objection; I often asked where the lands were going to go. I was never told, except this, that Mr. Miller stated to me that the lands were being purchased from people who could not pay their taxes, and would be turned over to people who always would. That remark was made also to Dr. Huff and Mrs. Tanner, the county clerk, and to others, and, in a way, that lessened my fears for the future of the county but, nevertheless, I continued to worry somewhat off and on until Senator Walcott's committee came into Moran. I received a call from them, inviting me to dinner that evening, and I drove there in company with Senator Deloney. On the way, he stated to me that he was somewhat concerned over the future of this county, that the county was created, at the instance of Deloney when he was in the House of Representatives, but he stated to me at that time that he believed that he had a plan that would not only save the county, but would provide properly for the game in the

future if the plan were adopted, and he proceeded to outline to me the Jackson Hole plan which has already been read into this record. The plan sounded very good to me, and I made up my mind before I arrived at Moran that I would be for such a plan, and I wish to say today, and I am authorized to speak for men who own, I believe, 1,260 acres of land in the area that would be taken in if the Jackson Hole plan were adopted, that they are willing to sell that land to the Federal Government at its assessed valuation, providing the Jackson Hole plan is adopted as outlined, and providing that others in the area—and I limit it to Miller, who owns land in that section—will match it acre for acre. I think that will do something to relieve the thought that considerable land speculation has been going on with the idea of selling it to the National Government.

Senator CAREY. Could this land be sold to Rockefeller at that price?

Mr. NEILSON. It is not within the Rockefeller project at the present time, it is outside of that project but within the area of the Jackson Hole plan; the two are not synonymous.

Senator CAREY. Mr. Neilson, I am just looking for information, but has Rockefeller ever defined the area in which he is buying land here?

Mr. NEILSON. Yes, I think so; I could not trace the exact line for you, Senator Carey.

Senator CAREY. I understood the plan originally.

Senator ADAMS. What is to be presumed to be an outline of that is on some of these maps.

Mr. NEILSON. Yes; I believe it is.

Senator CAREY. It shows certain lands which are bought or purchased on the map, but there are lands above the Buffalo Fork; does your plan contemplate going above Buffalo Fork?

Mr. NEILSON. I believe it would be best to refer to that map.

Senator CAREY. Show him that, please, the so-called "Jackson Hole plan."

Mr. NEILSON. I believe not, I am not sure about that.

Senator CAREY. Mr. Deloney's plan—that is the Jackson Hole plan, isn't it?

Mr. NEILSON. I would rather refer to the map for the lines.

Senator CAREY. There is the map.

Mr. NEILSON. I do not believe the Jackson Hole plan is outlined there.

Senator ADAMS. That is the Snake River Land Co. plan.

Senator CAREY. They have land scattered away up north.

Mr. NEILSON. The project runs up north, but it is not on that map; that is the Jackson Hole plan there, I think, in the salmon color.

Senator CAREY. I was referring to where the Snake River Land Co. project ended; I never found out.

Mr. NEILSON. The Snake River Land Co. project does not include that great an area, it is a much smaller area than the Jackson Hole plan, but I would not venture to remember the exact lines of the Snake River Land Co. project; that could be done by Mr. Fabian or Mr. Winger.

Senator CAREY. It is hard to tell, scattered around everywhere.

Mr. NEILSON. No.

Senator CAREY. Go ahead, I am sorry to interrupt.

Mr. NEILSON. Now, while Mr. McCain was on the stand for a few minutes this evening he spoke of Teton County's requirements and resources, and among other things he said there was a range here for 20 thousand head of sheep. I believe that is true, but I do not believe one head of sheep has ever had a permit to graze on national forest in this county, and I venture to say that the time will probably never come when they will.

Senator CAREY. Why not?

Mr. NEILSON. Because of the strenuous fight that has continued from time to time by other interests to keep the sheep out of here. I am not saying they should be kept out but, on the contrary, I am saying that at all times in the past there has been adequate range for all the sheep this country could support, with the hay they raise, and that range lies in a territory where it would not conflict a great deal if any with the game. They would not even need to graze where they could ever been seen from the highways and that industry could have been developed until at the present time it could have been one of the principal ones in this county.

There are other resources that are mentioned as possibilities in the Forest Reserve plan resources that will undoubtedly never be tapped for a great many years if ever because the demand is not great enough. I venture to say that the mineral in the land in this county will never reach the amount in dollars that have been sunk in this land by John D. Rockefeller.

Senator CAREY. I do not think either of us knows that do we?

Mr. NEILSON. No but I am venturing. The idea I wish to get to this committee is that these resources are potential only. The crying need today is not for a development of those, but for the protection of the game and the recreational area that will take care of the traveling public give them an opportunity to enjoy the country as it would exist in older times. That is the need of Jackson Hole at the present time. If at any future date it becomes more necessary to use its country for its mineral, for its other commercial purposes, I have no doubt that can be arranged when the time comes; it is not here.

Senator CAREY. Do you think it could be developed if it were in a park?

Mr. NEILSON. I think it could if the need were here for it. I think it could be probably thrown out of the park, as well as in, if there is any need for the resources.

Senator CAREY. Aren't they finding some gold deposits in the county?

Mr. NEILSON. Yes, they are prospecting for gold, and I believe it has been decided there is some glacial gold here, but in going back over the record books of the county I find that the claims that are being staked out now were for the most part staked out in the early nineties.

Senator CAREY. Don't you suppose that improved methods of mining and smelting and drilling would make that more possible?

Mr. NEILSON. I believe that is a potential possibility along the lines outlined by the Forest Service, but that is potential only. We have been here a great many years and have not seen the country develop along these lines. They spoke of the number of summer homes that will be built along the lakes; why aren't they there?

Senator CAREY. Weren't they building about the time this was withdrawn?

Mr. NEILSON. I believe not. I think the summer-home industry starts back around 1915 or 1916, and even before, and the nearest to the kind of summer homes that I believe would be contemplated by the Forest Service plan would be mostly the shacks of fishermen and others who would monopolize the shores of the beautiful lakes in this country, the very thing that the Snake River Land Co. and Mr. Rockefeller, and those supporting their plans, are endeavoring to avoid for the reason that they wish the shoreline of those lakes to be open at all times to the entire public, that they may go there and find them in a primitive state and enjoy them, and that they do not have to fight their way between summer homes, if you please to call them that, or the shacks of fishermen, if you please to call them that, in order to get access to the water. Aside from that, also, is the destruction of the scenic beauties. No; I believe that there has been adequate time for the development of summer homes on those lake shores; it has not been done, and I have no reason to believe it would be done in the immediate future if this plan were defeated.

Senator CAREY. You expect the tourist business to develop here?

Mr. NEILSON. To develop here, I believe, yes.

Senator CAREY. You have two national parks here now?

Mr. NEILSON. Yes; we would still only have two if this were added to the other one, because it would be the very thing that must have been contemplated by far-seeing minds at the time the Grand Teton National Park was created, for the reason eventually it would be necessary to round out that park to take care of all of the people.

Senator CAREY. Do you think this country, and the Snake River Land Co. project, is any more beautiful than the head of Green River or the head of Wind River?

Mr. NEILSON. I am sorry I have never had the opportunity to visit those.

Senator CAREY. To look at them you would say it is more scenic.

Mr. NEILSON. No; I have to say that tonight we are sitting in the most scenic country in the United States.

Senator CAREY. I am referring to the lands purchased by the Snake River Land Co.

Mr. NEILSON. Yes; very much so. I think that the most beautiful view of the Grand Tetons and the neighboring peaks comes from the east side of Snake River. If you have an opportunity of going up in that section of the country, and you care to stop at the Shawbacher home, I believe you will find it is one of the most beautiful views.

Senator CAREY. You have one beautiful view at the head of Wind River; are you going to forget that?

Mr. NEILSON. I have no doubt of it, but I am not concerned with that.

Senator CAREY. What I want to find out is, where we will end, in taking care of this country for the future and for a view?

Mr. NEILSON. I have no idea, and I do not think I will be very much interested. If the country is equal to this in scenic beauties, and has no more agricultural use than the northern end of this county, I would say that would be foolish, not to take down that hot-dog stand, and turn it over to that use.

Senator CAREY. But we can carry that on indefinitely; but, go ahead.

Mr. NEILSON. It has often been discussed here that we do not want Federal control of the game. I am very much in favor of State control of the game, and I think everyone that testified here today has testified along those same lines, if the subject was mentioned. I have not heard any one state that other than State control of the game was deemed necessary or essential in this case whatever. However, I will say this, that the Forest Service, for some purpose, has practically controlled the game in this county. It was as near Federal control of game as I would ever want to see it go. In fact, one time this summer Mr. McCain stated to me that as long as the Forest Service furnished the entire grazing ground for 20,000 head of elk they were going to have something to say about them, and I believe he is right, as far as that is concerned; I would, too. But it just indicates that as far as control of game is concerned, we have just as much Federal control at the present time as we ever can expect, and have had during the entire time I have lived in this county.

Now, I am going into too much detail; I wish to cut it short. It has been said, I think by Mr. Simpson, that business houses have gone broke since the Snake River Land Co. began their purchases here. I wish to say this, that I believe there are more business houses operating in the town of Jackson today than there has been at any past time, and I think they are operating quite successfully at the present time. I also wish to state that the population, I believe, is greater in this county today than it has ever been in the past.

Chairman NYE. I wish to remark at this time concerning an observation of mine, but it was just 5 or 6 years ago this time that I was in this community, and did not have the privilege then of remaining as long as we have on this trip; but I think, particularly considering the years of depression, that I have acquaintance with no community that has shown a greater advancement than I have observed in this town of Jackson in those 5 years. What has done it, I do not know, and that is not material at all. I say that out of respect to what I consider is a real lively population of people.

Mr. NEILSON. I think you are absolutely right.

Senator CAREY. That has come from natural growth?

Mr. NEILSON. That has added to it, Senator. I might also substantiate what I have just said, by the attitude of the Forest Service employes themselves. At one time Mr. McCain and I were discussing the park plan, and that is before I decided it should go into a national park [laughter]—but don't laugh too soon. It was shortly after the time Senator Deloney had outlined his Jackson Hole plan and there was considerable debate at that time as to whether or not it would ever be possible to put over just such a plan, and I was asked the question "Why did you prefer this land to go into the national park?" I stated at that time that I had not given that such a great deal of thought; that the thing I had been particularly concerned with was the protective measures to the county, to the stockmen and their interests, that were set forth in that plan, and during the course of that I mentioned the ranchers; it took care of them; and the cattle that drifted to and from the ranges; and Mr. McCain stated, among other things, and used this expression, "that he was not so much concerned with the ranchers, but do not take away from me my big

game herd." We had some further talk about it at that time, but I am not saying this to say anything against Mr. McCain, because I think one of the first principles of the Forest Service is the care and attention to game, and that includes, of course, bit game and big game herds. Now, I just want to say one or two more things before we close. This case, I think, has resolved itself down to a matter of, we might say, bureaucratic feeling while Jackson Hole burns.

Senator ASHURST. I did not catch that, Mr. Neilson.

Mr. NEILSON. Bureaucratic fiddling while Jackson Hole burns. There is a crying need for the matter to be settled at the very earliest possible moment. I understand that Mr. Rockefeller, who has made the investment here, has outlined the principles along which or by which he would be guided in arriving at an early settlement of this problem. It is not necessary, I hope, to call those principles to the attention of this committee; I think that has been done; and I think the committee should give that a great deal of consideration in reporting out this hearing; and I wish to say, in this connection, that the people I represent, as read by the chairman before I began my testimony, prefer that I state to your committee that, in view of the attacks that have been made against Mr. Rockefeller in this connection, that we wish to say that those attacks personally against him are unjustified, they are not based upon fact, and that the people I represent are grateful for what he has done toward preserving this country for posterity.

Now, I would like so spend a few minutes on the Jackson Hole Courier. That has been under criticism for quite some time, and I would like to explain to you just how it is owned, and how it became owned that way. To start out with, I am the owner of \$8,000 worth of stock in the Jackson Hole Courier. Mrs. Neilson, my wife, owns \$500; Mrs. Allen H. Reid owns \$1,500. Mr. Perry, the former publisher of the Jackson Hole Courier, came to my office 1 day and told me that there was a mortgage being foreclosed, not on the Jackson Hole Courier, as has been stated before you gentlemen, but upon certain lots that he owned down here in this section of the town. He stated that a local contractor here was foreclosing the mortgage, and that Mr. Simpson was representing him—and I will say in passing that I attach no blame there, for the mortgage was overdue and had been for some time—and he wanted to know if I could not in some way help him. He said, "Look at this notice", and he handed it out to me, and he said, "I hate to publish that in my own paper"; it was a notice of foreclosure. He said, "Is there not something you can do that will prevent that?"; and I sized it up and told him I did not have the money to loan him, and I did not know for sure that I could get the money, but I would do my best to help him out of his predicament. I said, "The first thing to do will be to see Mr. Simpson and see if he will delay foreclosure proceedings long enough to obtain a loan." I called upon Mr. Simpson at his office. He was very pleasant about it and said he would be glad to take any steps, but was taking the action upon instructions of his client, that the money was all that he wanted; and, he said, moreover, "If you are able to raise that money to pay off this mortgage within a reasonable time"—I think I asked for only a week—"that he would make a reduction of \$500 on the amount asked"; a very fine thing to do, I recalled that a short time previous to that Struthers Burt had spoken to me, during

rodeo time, about the Jackson Hole Courier; he asked me to find out if it could be purchased and for what price. I told him I would inquire, and I had inquired, but I had no answer as to that; they were probably debating the matter over. So Perry suggested I see Mr. Stewart at the JY Ranch; that he had expressed himself as being interested in their welfare, and had written them at one time that if they were in difficulties he would be glad to help them out if he could.

I drove to the JY ranch and saw Mr. Stewart and talked the matter over with him, and he said he would be glad to help out, "only I am expecting to be involved in legal proceedings in the East." I said, "Possibly, if you can make me the loan of \$3,000, I can get it back to you by the time you need it in the East." He said, "If you will make me a sufficient guaranty that I get it back, I will be very glad to do it." I came down and thought the matter over, and decided I would give him my personal guaranty that the money would be forthcoming when he needed it in the East. He found, after talking the thing over with me, that he did not believe that I would be able to get that amount to him promptly if he needed it in a hurry, and he suggested that I get somebody to back me up in it. I came down town and saw Richard Winger and told him I was out trying to raise a little money to loan Perry; that I would have to guarantee it back, and, I said, "Will you give me your personal guaranty, if I default in that, that you will loan me \$1,500?" He said that he would loan me \$1,500 if I needed it, but he did not have it available at that particular time. So I assured Henry Stewart that I had backing to that extent—Henry is Mr. Stewart—and he gave me \$3,000 as he was leaving town. But at the time he was leaving, he said, "How is Perry going to take care of his other troubles? He has other indebtedness, up to about \$7,000", and I told him that Perry had suggested to me that a corporation be formed and that stock be sold for enough money to take care of his indebtedness, and that he be given the balance of \$3,000 in stock on a basis of \$10,000. I know this is boring you, gentlemen, but it has been a subject of attack in this community and I would like to get it into the record.

Chairman NYE. Has it been mentioned in this record?

Mr. NEILSON. If it has not; I will stop.

Mr. PICKETT. I do not think it has been mentioned once.

Mr. NEILSON. We have been under attack, on what was called the "Rockefeller press", subsidized press, but I want to tell that Rockefeller or none of his agents or representatives have had anything to do with the paper while they were representatives of his company.

Mr. PICKETT. I do not recall the name of the paper being mentioned.

Mr. NEILSON. If you are satisfied with my statement, that is all I want in the record.

Chairman NYE. I am sure that is all we want in the record.

Mr. NEILSON. Is there anyone else that wishes me to proceed to put that in the record? I will be glad to do it. If not, I will be glad to have you look me up further.

Mr. BURT. I mentioned the Jackson Hole Courier when I gave my testimony.

Chairman NYE. Strangely, I do not recall.

Mr. BURT. Yes; I did.

Chairman NYE. What was the nature of the charge?

Mr. BURT. I was asked if Rockefeller or any of his agents attempted to buy the paper, and I said I very foolishly suggested that they——

Chairman NYE. That is right. Do you feel that any further statement than you have made is necessary? I think the record, unless some one wants to get in further evidence that the paper is owned by the Rockefeller or other interests, is quite sufficient.

Mr. NEILSON. I might say that I wish it were, but it is not. Is there anything you wish to ask me, Mr. Pickett?

Mr. PICKETT. Why do you wish it was owned by the Rockefeller people?

Mr. NEILSON. I think he would be a very good backer for a newspaper the size of the Jackson Hole Courier.

Mr. PICKETT. Does it make money?

Mr. NEILSON. No, it does not. I might say, in passing, that I have lost possibly a thousand dollars during the time I have operated it. Of course I think that amount would be on the books, but I mean I have had to pay that much out of my own pocket. I want to read you one letter in that connection, and then I will be through. I will read you this letter written by H. W. Lung, Mr. Stewart's secretary, on January 12, 1932, to me:

WILFORD W. NEILSON, Esq.,
Court House, Jackson, Wyo.

DEAR WILFORD: Thank you for your registered letter with stock certificates enclosed of January 6. I regret to inform you that the "big" prospect of whom I wrote has sailed for Europe. I followed him aboard ship with pen in hand, but to no avail. However, the picture is just as bright as ever, for I have new ones. I have promises, with no possibility of failure, for almost enough to cover Henry's remaining credit, and I am going to hook Henry for the balance of that. Then I have reasonable prospects for \$3,500 more, and I shall know definitely about these within a week. Assuming that I am able to send you that amount in that time, do you think you can pay off the Evans and Grisamer mortgages at a discount? The money which I expect to obtain must be applied to that purpose as a condition of the sale of the stock, since I have represented that the sole objects were to get the paper out of debt and push park extension.

And that is true.

Therefore, we could not justifiably use it for any other purpose, such as operating expenses, or as a means of combating the new paper. Incidentally, how has the Grand Teton affected the Courier? Will it endanger the 6 percent I have been talking about?

Will you, at your convenience, inform me of what settlement you made with Simpson and what agreement you made with Perry? I understood that the plan was to clear the paper of debt, approximately \$7,200, and issue stock to Perry for the balance, approximately \$2,800. I note that \$3,000 has already been issued to Perry.

I hope you get some fun out of the winter sports even though it appears that the show is being run by the opposition.

Very truly yours,

H. W. LUNGER.

Chairman NYE. Whose letter is that?

Mr. NEILSON. That is the secretary of Henry Stewart, and one of the incorporators of the Jackson Hole Courier. The point that I wish to get over here is that the Jackson Hole Courier was organized by Mr. Stewart, Mr. Lung, Mrs. Reed, and myself for the purpose of sponsoring this project, without any thought of remuneration from anyone, and particularly from the Snake River Land Co. or from Mr. John D. Rockefeller.

Senator CAREY. Who is Mr. Lung?

Mr. NEILSON. That is Mr. Stewart's secretary.

Senator CAREY. He is not a resident of the State of Wyoming?

Mr. NEILSON. No; he wasn't a resident at this time. He was a resident here but he is gone now.

Senator CAREY. And Mrs. Reed, is she a resident of the State of Wyoming?

Mr. NEILSON. I don't know whether she is or not.

Senator CAREY. She lives in Philadelphia, doesn't she?

Mr. NEILSON. I don't know whether her legal residence is here or in Philadelphia.

Senator CAREY. You have been an attorney for the Snake River Land Co.?

Mr. NEILSON. Yes.

Senator CAREY. You drew a retainer from them, did you not?

Mr. NEILSON. I think I was appointed in 1929—on August 10, 1929—and I was retained by the Snake River Land Co. for the purpose of checking titles and abstracts, and I was paid \$50 a month for that work. When I took over the Jackson Hole Courier I was dropped from the pay roll of the Snake River Land Co. I knew that I would be, and that is one of the sacrifices that I made in taking over the paper.

Mr. PICKETT. You still act as counsel for them on a special job basis?

Mr. NEILSON. Not at all. I am not retained at all that I know of—at least, I have not been paid anything.

Senator CAREY. Have you ever worked for them?

Mr. NEILSON. I don't know that I have.

Senator CAREY. That was your understanding that if you did any work they would pay you?

Mr. NEILSON. Yes, if I would do anything, but I don't expect I will be called upon, because they have plenty of other good attorneys—I should say, plenty of good attorneys.

Mr. PICKETT. Now, you heard Senator Ashurst's statement yesterday or the day before concerning what he thought probably would be the position of the Government toward paying taxes on this land?

Mr. NEILSON. Yes, I believe I did.

Mr. PICKETT. Do you believe that the county government could continue to function without the income from that land within that area?

Mr. NEILSON. No, I do not. I was more firmly convinced of that fact at the time I came out for the Jackson Hole plan, and that is one of the reasons that I have advocated it.

Mr. PICKETT. The answer was that it could not?

Mr. NEILSON. It could not, in my opinion.

Mr. PICKETT. And unless this county was subsidized from some source, it could not continue?

Mr. NEILSON. The word "subsidy" has been continually used in connection with my paper, and I do not like it, although it is a matter of opinion. It would not be the correct word in this instance, however, if you are speaking of the Jackson Hole plan.

Mr. PICKETT. Anyway, the money would have to come from some outside source. We won't quibble over the word.

Mr. NEILSON. It would be raised here in the county from the receipts of the park, or it could be—I don't know as to whether that would be from an outside source.

Mr. PICKETT. What I am getting at——

Mr. NEILSON. Yes, in lieu of taxation, yes. I understand what you mean.

Mr. PICKETT. The rest of the taxable property in the county cannot maintain the county government?

Mr. NEILSON. No.

Mr. PICKETT. How much is your school bond issue in this county?

Mr. NEILSON. The high school bond issue is \$40,000, and I think there are some two other bond issues, with \$3,000 remaining on one, and, I believe, \$4,000 on the other.

Senator ADAMS. On this question of taxes, the question of the future would depend a great deal on the result of the plan that was adopted—if the community prospered as a result of it, your answer would not be correct?

Mr. NEILSON. I felt at the time that I first advocated the adoption of the plan that it would only be a matter of years, a few years, until the other portions of the county would build up to the extent that they could maintain the county government, and when I say that I have in mind the summer homes, possibly in the Wilson section down the west side of the river and in the southern part of the county, where there are good home sites.

Mr. PICKETT. But the Wilson territory is not included in the Jackson Hole plan?

Mr. NEILSON. No, it is not. It is possible even now, with all of the taxes being paid, that they could maintain a county government.

Mr. PICKETT. Did you ever sell any land to the Snake River Land Co.?

Mr. NEILSON. Yes, but not exactly in that way.

Mr. PICKETT. You sold a relinquishment?

Mr. NEILSON. Yes, on my timber and stone entry.

Mr. PICKETT. How much?

Mr. NEILSON. A hundred and sixty.

Mr. PICKETT. How much did you receive for that?

Mr. NEILSON. \$3,200, I believe.

Mr. PICKETT. Do you own any land within the project now?

Mr. NEILSON. No, I do not at the present time, not within the Snake River project, I don't own any land.

Mr. PICKETT. Do you own any land within the Jackson Hole project?

Mr. NEILSON. Yes, I own 80 acres.

Mr. PICKETT. That is the plan that you are talking about now?

Mr. NEILSON. Yes, and if the Jackson Hole plan goes over, they may have that 80 acres at the assessed valuation.

Mr. PICKETT. I have nothing further.

Chairman NYE. Thank you, Mr. Neilson.

(Whereupon the witness was excused.)

Mr. HUNTER. I am going to ask leave to file as exhibits, and to be filed as soon as they can be prepared, an affidavit for change of venue filed by the defendant in the case of the Snake River Land Co. against the Fox Film Corporation, filed in the district court here;

and also a copy of the petition in the case of David D. Eldridge against the Snake River Land Co. in the same court.

I have no explanation to make except that they are offered to clear up the question of why the Snake River Land Co. went into the Federal court in the case that has been under discussion in this hearing. They show that in the one case in which the Snake River Land Co. was the defendant and in the other case in which the Snake River Land Co. was the plaintiff, that the suggestion was made that the other litigant in each case could not get a fair trial in Teton County on account of the undue influence of the Snake River Land Co. on the State court.

Chairman NYE. Is there any objection to such affidavits being received?

Senator CAREY. None at all.

Senator ADAMS. They are curious exhibits, but I do not object to them.

Mr. HUNTER. I might say that perhaps Mr. Spaulding had these things in mind when he said there was a good deal more that he could testify about at the time he was on the stand, and perhaps his judgment was right in doing it in this way.

(Whereupon the two documents in question were received in evidence as exhibits 76 and 77, and are as follows:)

EXHIBIT No. 76

In the District Court for the Third Judicial District, in and for the County of Teton, State of Wyoming

SNAKE RIVER LAND CO., A CORPORATION, PLAINTIFF,

v.

FOX FILM CORPORATION, A CORPORATION, DEFENDANT

AFFIDAVIT

THE STATE OF WYOMING,

County of Sweetwater, ss:

T. S. Taliaferro, Jr., of lawful age, being first duly sworn according to law, upon his oath deposes and says:

That he is one of the attorneys for the defendant in the above-entitled cause; that the opposite party, to wit, the plaintiff and its agents, employees, friends, and its several attorneys of record have an undue influence over the citizens of the counties of Teton, Sublette, Lincoln, and Uinta so that the defendant herein cannot safely go to trial in this cause in any of the said counties, because of the undue influence, as aforesaid, of the plaintiff and its said agents, employees, friends, and attorneys over the citizens of all of the said counties; that there is a local prejudice in the third judicial district in favor of the plaintiff and its cause of action, and against the defendant and its defense, in the said counties of Teton, Sublette, Lincoln, and Uinta.

And further affiant saith not.

T. S. TALIAFERRO, Jr.

Subscribed in my presence and sworn to before me this 1st day of August A.D. 1931.

[SEAL]

GRETCHEN ANDERSON, Notary Public.

MOTION

Comes now the defendant herein and files its above and foregoing affidavit, which said affidavit is made a part of this motion; and the defendant moves the court that the venue of this cause be changed to the most convenient county to which the same objections, as stated in the said affidavit, do not apply, the de-

fendant moving for this change of venue having paid the costs, as required under section 6421, Wyoming Compiled Statutes, 1920, as amended by chapter 64, Session Laws of 1927.

Dated this 1st day of August A.D. 1931.

FOX FILM CORPORATION

(A corporation).

By T. S. TALIAFERRO, Jr., *Its Attorney*.

EXHIBIT No. 77

In District Court of the Third Judicial District in the County of Teton, State of Wyoming

DAVE D. ELDRIDGE, PLAINTIFF

vs.

SNAKE RIVER LAND CO., A CORPORATION, AND JOSEPH S. CHAPLINE, DEFENDANTS

PETITION

For cause of action and relief against the above-named defendants, plaintiff, alleges and states to the court:

1. Plaintiff herein, is the same and identical person, as herein mentioned as D. D. Eldridge, is a citizen of the United States and a resident citizen of the county of Teton, in the State of Wyoming; is in possession, control, and occupancy, and a user of certain lands, tenements, leases, forestry permits, improvements on lands and permits, store buildings, houses, garage, cabins, mercantile business, restaurant, and other necessary and incidental rights and privileges, upon said lands and premises hereinafter described; that he is engaged in a general merchandise business, in the selling of goods, wares, and merchandise to the general public; in addition keeps and maintains a public garage and filling station for use of the general public on said premises; in addition has and maintains a public eating place, upon said premises; in addition keeps and maintains cabins and rooms for hire; in addition is a public official of the Government of the United States, is the postmaster at Elk, Wyo., which post office is at and upon said premises; that his business, as hereinbefore alleged, is situated upon one of the main-traveled national and State highways, from points south, to and through Moran, Wyo.; thence through the Yellowstone National Park; also connecting with the main-traveled public highways, through the Jackson Hole country south and west; that the location of plaintiff's business interests are extremely valuable, on account of its favorable location; is carried on and maintained in a lawful manner; is exclusive in plaintiff as to ownership, use, and control.

2. Defendant Snake River Land Co., is a corporation organized and existing under and by virtue of the laws of the State of Utah, doing business in the areas in which plaintiff has his business and business interests, and its purposes and the purposes for which it was created is principally to, and engage in—

"The pursuit and business agreed upon the object of this corporation in general terms shall be to carry out a real-estate, land, and investment business, and to participate in the promotion, establishment, and development of places of amusement and recreation * * *.

"To equip, improve, operate, manage, sell, and dispose of ranches, farms, stores, warehouses, dwellings, lodges, hotels, and places of recreation and amusement, and by lease, contract or otherwise to permit the use thereof to others * * *. To engage in stock raising, ranching, and farming, and to promote, acquire, manage, operate, and dispose of townsites and towns * * *, or settlement projects * * *. To provide for the public use and enjoyment of all of the property of the corporation, by dedication, permit, lease, transfer, conveyance or otherwise as the board of directors may from time to time determine * * *, it is expressly declared that all other lawful purposes, not inconsistent herewith are hereby included, and that this corporation shall have and all other powers to the carrying on of said business."

That the defendant Snake River Land Co. claims some interest in and to the property, real estate, leases, permits, and improvements of the plaintiff, wholly adverse to plaintiffs rights, and is now exercising and attempting to exercise its adverse interest to the irreparable damage and injury to the plaintiff, as herein-after alleged.

3. That defendants Snake River Land Co.'s adverse interests are at this time undisclosed in full, but are identical with its efforts to control as a monopoly all areas of private and public lands, in the northern and eastern parts of Jackson Hole, in Teton County, Wyo., and the lands, leases, buildings, and improvements of this plaintiff and his business as a merchant, its ostensible purpose and intent being in part to acquire all lands, leases, improvements, rights, privileges, permits, concessions, of and from numerous parties and persons, without regard to the legal rights of any, particularly this plaintiff, and under the guise of philanthropic purpose, under what is alleged as the John D. Rockefeller, Jr., Foundation, of which this plaintiff is unadvised, as such purposes remains undisclosed but is adverse to this plaintiff, and his property interests.

4. That defendant Joseph S. Chapline, was on the 15th day of September 1927, in possession, control, occupancy, and ownership and lawful use, of certain lands, tenements, leases, permits, and improvements thereon and connected therewith, all at Elk, Teton County, Wyo.; that on the 15th day of September 1927, the defendant Joseph S. Chapline, made, executed, and delivered to this plaintiff, and did thereby, grant, bargain, and sell to plaintiff, certain goods, wares, and merchandise, buildings, improvements, and easements, at and upon certain designated lands, permits, leases, and permits, described with certainty, being the lands, and premises thereafter on the 17th day of September 1927, by written lease and conveyance, conveyed to this plaintiff, for a term of 20 years next ensuing, the said lease and agreement being made simultaneously with and to be construed by and with the lease and sales contract dated the 15th day of September 1927, each being in writing, each being attached hereto as exhibits, marked "Exhibit A" and "Exhibit B", respectively, and are hereby made a part of this petition and are hereby referred to for conditions and descriptions of lands and improvements and other particulars.

5. That the lease, exhibit B, was made by the defendant, Joseph S. Chapline, in furtherance of his then good intentions to protect the plaintiff in his then large investments under the former contract, marked and designated "Exhibit A" hereof, that simultaneously with the making of the said exhibit B, the defendant turned over possession of a certain forestry permit, all property thereon, for the lands and privileges by said permit granted by the Forestry Service, which premises, were and are a part of the general plan of lands and improvements, upon which erections and improvements necessary were to be made and used the lands conveyed under the terms of exhibit A hereof, being of no value except as used and controled to and with the lands used under special permit of the Forestry Service, both being contiguous and adjoining, and the improvements thereof erected and to be erected, being in part on each; and the area contained in said special-use permit is forty-one hundredths acres, that defendant Joseph H. Chapline, has assigned said permit, and has no right, title, claim, or interest therein.

6. That thereafter and at all times during plaintiff's negotiations, with the defendant Chapline, the payment of moneys to be paid, under exhibits A and B hereof, were made by plaintiff, to the several parties to whom the same were agreed to be paid, and each and every covenant of said contracts to be done and performed by the plaintiff was done and performed, and for the purpose or purposes of keeping his investments intact and protecting his large investments in property, goods, wares, and merchandise, and his improvements, erected and to be erected on the premises, all with the consent, acquiescence of the defendant Chapline, up to and including the 1st day of September 1929.

7. That previous to the 1st day of September 1929, plaintiff became suspicious over negotiations between the defendant Chapline, and the defendant Snake River Land Co., of and concerning the rights and privileges of the plaintiff, and the possession and control of the premises occupied by him under his several leases, permits, and assurances, and believing the defendant Chapline was negotiating with defendant Snake River Land Co., to defraud plaintiff of his property, goods, and effects required the defendant Chapline to disclose his negotiations with defendant Snake River Land Co., and then and there the defendant Chapline, denied any intention of selling or conveying any of his land or permits to said Snake River Land Co., and then and there encouraged this plaintiff to make further payments, and to continue under his leases and agreements, and for the purpose of inducing plaintiff, to make further payments, and to secure the same from plaintiff, made his voluntary statement under his oath and affirmation, in substance and effect, that he would protect the plaintiff, in his leases and contracts; would guarantee plaintiff's rights and possession of the lands described in exhibit B, and all thereof, and plaintiff relying upon the honesty of

purpose, and the integrity of defendant's representation, made all payments to defendant, then due under his contracts, leases, and agreement.

8. That each and every of the representations made by the defendant Chapline, were false and fraudulent, and were well known to be false and fraudulent; were made with intent to deceive the plaintiff, to induce plaintiff to pay moneys to the defendant, for and on account of his agreements; that the defendant Chapline, well knew the falsity of his representations at the time made, that in truth and in fact, that at the time of making said false and fraudulent representations, the said Chapline was in consultation and negotiation with the defendant Snake River Land Co., to sell, relinquish, and convey, in its interests, the lands, improvements, and other property, held by plaintiff under his several contracts and agreement, all with intent, of each defendant, to exclude the plaintiff therefrom and to defraud plaintiff, of his large investments made in good faith upon the said premises herein described, and the investments in his substantial and growing business as herein alleged.

9. That thereafter and within 1 year after receiving such payments, under the false and fraudulent representation aforesaid; the defendant Chapline, with further intent to wrong and defraud this plaintiff, of and concerning his interests, rights, contracts, leases, possession, of and concerning the premises, occupied and leased by plaintiff, then in his possession, control and occupancy, for a large and valuable consideration, the exact amount being unknown, paid as agreed to be paid, by defendant Snake River Land Co., and acting in concert and conspiracy with, the Snake River Land Co., its agents, servants, and employees, with wrongful and unlawful intent and purpose to cheat, wrong, and defraud plaintiff, of all and singular his investments, property, leases, goods, and effects, including buildings and improvements erected on the lands and tenements leased, and to defraud this plaintiff of all vested and permanent rights and privileges, relied upon by plaintiff, to continue on with his business, and at the solicitation, request and demand of the said Snake River Land Co., at a time unknown, but prior to September 1, 1930, for the considerations and payments aforesaid, unlawfully, wrongfully, willfully, wantonly, and maliciously, relinquished to the United States, all and singular his rights, title, claim, and interest, entry and right to final proof and patent, in and to the lands previously leased to plaintiff, as described in exhibit A hereof, and the defendants and each of them, in unlawful and wrongful concert and conspiracy, and concerting and conspiring against this plaintiff destroyed the permanency of his vested interests, the utility of his investments, in that plaintiff had erected upon said lands leased and held by him valuable and lasting improvements to properly carry on and maintain his business, of the value of \$3,500.

10. That at the time of the erection of said permanent improvements, plaintiff was in quite possession of the lands and tenements upon which the same were made, and was in possession of the same without fraud or collusion on his part, had not been evicted therefrom, and his rights thereto, are and were at all times adverse to either of the defendants herein.

11. That at all times during the term of his leases and contracts, with the defendant Chapline, and fully relying thereof, and during the time plaintiff was making permanent improvements on said premises, he was investing large sums of money in extending his mercantile and garage business, and other interests, as herein alleged to be engaged in, all of which was made in good faith, and at all times plaintiff, was and is now, ready, able, and willing to carry out all payments, conditions, and covenants of the leases and agreements mentioned, to be kept and performed by him; that the defendants or either of them, are unable to carry out or perform any of the covenants and agreements to be performed under the terms and conditions of exhibits A and B hereof.

12. That the reasonable market value of the unexpired term of plaintiff's lease with the defendant Chapline, is of the value of \$500 per year, from and after the 1st day of September 1929, and by reason of the premises, plaintiff has been damaged, exclusive of the permanent improvements erected on said premises, in the sum of \$9,000 for that the defendant Chapline, is now unable to perform.

13. That subsequent to the 1st day of April 1929, defendant Snake River Land Co., became the buyer of lands, relinquishments to inchoate public-land entries, leases, permits, improvements, and other rights and concessions at and near, and in the immediate vicinity of the property and holdings of the plaintiff, as herein described, and by wrongful and unlawful acts, coercion, threats of condemnation, and misrepresentation, discouraged owners to sell and dispose of their holdings at low values to many, who in ignorance of their legal rights, were prevailed upon to dispose of their holdings, and the said defendant Snake River Land Co., its agents,

servants, attorneys, employees, and resident agents, with intent to coerce this plaintiff, to dispose of his property, by threats direct and implied, sought to obtain the premises used and occupied by plaintiff, and the particular lands, leases, permits, and improvements occupied by plaintiff, for the purpose of securing the same, made offers of compensation to plaintiff, far below the actual value of the property rights and interests of the plaintiff therein; that it, Snake River Land Co., its agents, servants, and employees claim the right to eject plaintiff from the premises, and threaten so to do.

14. Plaintiff further alleges and states to the court that the defendant Snake River Land Co. has no other or further rights to plaintiff property, than any other person or party with whom defendant deals and carries on business, that its claimed relationship with bureaus of Government of the United States, particularly the National Park Service, whom it claims to represent, and who actually represents it, in its business dealing with persons and parties, nor has the defendant Snake River Land Co. any right or authority of law or equity, or precedent to interfere with plaintiff's property, or any part thereof; that it has no claim, right or interest, legal or otherwise, in the lands and leases of the plaintiff, as herein alleged; that it has no right or claim to the lands relinquished to the United States, to avoid the right of this plaintiff; that it has no rights or interests in the forestry permits upon which plaintiff's buildings and improvements in part are located, nor any right to threaten or intimidate plaintiff, nor threaten his expulsion and ejection from said premises, nor to destroy or attempt to destroy plaintiff's business and the business interest he owns and controls as here alleged that the defendant Snake River Land Co. by its wrongful and unlawful acts, threats, intimidation, coercion, and demands is causing and has caused irreparable damage and injury to plaintiff and his property and business interests; that the acts, demands, and methods of the Snake River Land Co. are against public policy; are in restraint of trade, in that it, its agents, servants, and employees assert the right to destroy plaintiff's lawful business operations, without compensation therefor, that its acts, methods, and plans, were and are at all times conceived and carried out against this plaintiff in a wanton and malicious manner; were and are intended to destroy the business of plaintiff, in the immediate vicinity of its own business, operated and controlled by concessionaire corporations, under its control, management, and power, with and by directors, trustees, and officers holding in each, the same or similar offices and powers, to the exclusion of this plaintiff to do business in the areas and localities it has control of through its control of the areas in which plaintiff has his business and operation.

15. Plaintiff further alleges and states to the court that the defendant, Joseph S. Chapline, is insolvent and cannot respond in damages to plaintiff for the wrongful and unlawful acts committed against plaintiff and his property as herein alleged.

16. Plaintiff further alleges and states to the court that the defendant Chapline, by reason of the premises, his act in surreptitiously and secretly relinquishing his lands to the Government of the United States, at the instance and demand of his codefendant, the Snake River Land Co., has annulled all rights of title to the lands in question, has breached every term and condition of his contracts and agreements with plaintiff and is unable to further comply therewith, and has surrendered all rights of recovery or demand, or offset, against this plaintiff, other than a court of equity may find upon a final hearing of this cause.

17. Plaintiff further alleges and states to the court that the Snake River Land Co. defendant was at all times familiar and had knowledge of the possessory rights of the plaintiff to and for the lands and tenements occupied by him in his business and operations; and had such knowledge at the time it entered into negotiations with the defendant Chapline to procure his rights thereto in the matter herein alleged.

18. That the acts of the defendants to destroy the utility of plaintiff's business, leases, permits, and improvements were and are unlawful, wanton, and malicious.

19. That the defendants and each of them, their agents, attorneys, servants, and employees still continue to threaten and intimidate plaintiff, and his property interests, and threatened to take possession thereof, without process of law, and without compensation therefor, and that by reason of such threats and intimidation, plaintiff has no other adequate remedy at law to prevent the threatened injury and damage to his valuable property and interests as herein alleged, except the strong arm of a court of equity, to restrain and enjoin the defendants, they and each of them, their agents, attorneys, servants, and employees from in any manner interfering with plaintiff's peaceable and lawful possession of the lands, tenements, and other property herein set forth.

20. That on account of the wanton, wrongful, and malicious acts of the defendants as herein alleged, plaintiff has been damaged in the sum of \$10,000.

WHEREFORE PLAINTIFF PRAYS THE JUDGMENT OF THE COURT

1. That it have and recover judgment of and from the defendants or either of them the sum of \$3,500, for and on account of the erection of valuable improvements upon the premises occupied and used by him, less any offset that may be found in favor of the defendants or either of them upon the final hearing herein.

2. That it have and recover judgment of and from the defendants or either of them for the sum of \$9,000, for and on account of the loss of the unexpired term of the lease and agreement known as "Exhibit A."

3. That he have and recover judgment against the defendants and each of them for the sum of \$10,000, as exemplary or punitive damages, for and on account of the wrongful, unlawful, wanton, and malicious acts of the defendants as herein alleged.

4. That upon the final hearing of this petition the defendants and each of them, their or its agents, attorneys, servants, employees, or other acting for or in behalf of either, and all persons, claiming or demanding, be perpetually enjoined and restrained from in any matter interfering with and of the property, goods, leases, permits, improvements, houses, business, post office, garage, out buildings, or any other property occupied and possessed by plaintiff, as herein alleged; that the defendants and each of them be restrained and enjoined from selling or attempting to sell, or otherwise convey any property whatsoever claimed or demanded until this cause is fully heard and decided.

5. That the plaintiff have all equitable relief in the premise to which he, in the good conscience of the court is entitled.

6. That he recover his costs herein expended.

DAVE E. ELDRIDGE,
By WM. L. SIMPSON,
His Attorney.

THE STATE OF WYOMING,
County of Teton, ss.

William L. Simpson, attorney for Dave E. Eldridge, being first duly sworn upon oath says; that he is the plaintiff in the above-entitled cause; that he has read the foregoing petition and knows the contents thereof to be true.

WM. L. SIMPSON.

Subscribed and sworn to before me this 8th day of June 1931.

[SEAL]

JULIANE TANNER,
Clerk of the District Court.

Chairman NYE. The committee asked a short time ago if there was anyone present who felt that they had information to add to that which has already been given to the committee, and I wish now to renew that request. Is there anyone present who wishes to be heard with any additional information?

Mr. ROBINSON. Yes; I would like to say something about this.

Chairman NYE. Do you want to be heard?

Mr. ROBINSON. Yes, sure; I can tell you all about this thing here.

Chairman NYE. Quite seriously, do you want to be heard on any questions that have not been touched upon?

Mr. ROBINSON. Yes, on the Robinson and Brown case up there.

Chairman NYE. And your name is what?

Mr. ROBINSON. My name is Robinson.

Chairman NYE. You are one of the Robinson brothers?

Mr. ROBINSON. I am.

Chairman NYE. And what are your initials?

Mr. ROBINSON. E. R.

Senator ASHURST. You are not O. K. Robinson?

Mr. ROBINSON. No, I am E. R.

Chairman NYE. What do you wish to add to this matter, Mr. Robinson?

Mr. ROBINSON. I want to tell you all about it.

Chairman NYE. Very well. You will have to be sworn.

TESTIMONY OF E. R. ROBINSON

Chairman NYE. What is it, Mr. Robinson, that you wish to say in connection with that?

Mr. ROBINSON. You have got the dope on the ground up there, didn't you?

Chairman NYE. We got whatever information we thought was pertinent, and we got it several times.

Mr. ROBINSON. You got it several times?

Chairman NYE. Yes.

Mr. ROBINSON. Mr. Nielson told you, or told the committee here, that I and Mrs. Brown come down here to Jackson and come into his office, the old courthouse, I believe was the way he expressed it, and produced a statement for O. K. Robinson from Mrs. Harris for so much ground up there, an acre of ground up there. I want to tell you that Mr. Nielson never saw that contract or that receipt, and neither did Mrs. Brown, so far as I know. They drew up our contract, as she represented to you—and you got that, I guess, down pretty pat—and Mr. Nielson had nothing to do with that whatever. We went to the county clerk, Mrs. Tanner, and Nielson never, so far as I know, never knew we were in the courthouse. Now, where did he get that information?

Chairman NYE. I don't know. Can you tell us?

Mr. ROBINSON. Surely not. I don't know where he got it. Mrs. Brown is here, and I guess maybe she knows, or maybe he saw us in the courthouse or somewhere, but I bought that piece of ground, I and my brother, of course, and you understand that, and I am the man that went and bought this receipt and paid her a certain amount.

Senator ADAMS. Is there such a receipt?

Mr. ROBINSON. You bet you there was such a receipt, and I got it.

Senator ADAMS. Then Mr. Nielson's story was correct, wasn't it? Didn't Mr. Nielson correctly state the substance of the receipt?

Mr. ROBINSON. I don't think so.

Senator ADAMS. Wherein was he wrong about it?

Mr. ROBINSON. He never knew nothing about that receipt.

Senator ADAMS. What was in the receipt?

Mr. ROBINSON. I went to Mrs. Harris, I believe it was in October, and made her a payment, you see, on the ground, and we started to build, and my brother said, "You had better go down and make this thing satisfactory", so I went down and made her a payment and got the receipt for this money—you understand that?

Senator ADAMS. Yes.

Mr. ROBINSON. And that was all there was to it. Mr. Harris, not Harrison, but Harris—he and his wife separated, and that made the confusion, you see.

Mr. NIELSON. May I add one thing? Have you that receipt now?

Mr. ROBINSON. Not here.

Mr. NIELSON. Don't you remember the day that you also showed me the receipt a second time here in town, and asked me if I could do anything toward helping you get that piece of land? I think you must have continued to hold that receipt after you sold to Mrs. Brown.

Mr. ROBINSON. Mrs. Brown never saw that receipt herself.

Senator ADAMS. Mrs. Brown didn't see the receipt that you gave her? Who paid you?

Mr. ROBINSON. Nobody paid me. I paid her.

Senator ADAMS. And you got that receipt from her?

Mr. ROBINSON. Surely. We started our buildings up there, to make the basement, and we were talking about it, and my brother said, "You had better go down and make a payment on this so as to make it safe."

Senator ADAMS. That was the \$5 payment?

Mr. ROBINSON. Yes, sure, and this man right here, Nielson, he come back and he said, "You boys are all right." Ain't that right, Willford?

Chairman NYE. Is that all, Mr. Robinson, that you wanted to say regarding that transaction?

Mr. ROBINSON. Yes, you have got it all right there, I think.

Chairman NYE. Yes, it seems to be perfectly clear now. Thank you, Mr. Robinson.

(Whereupon, the witness was excused.)

Chairman NYE. I think it is fair for the committee to assume that there are no others who want to be heard.

Mr. IMOSEN. Mr. Chairman, I would like to say something.

Chairman NYE. Just come forward and be sworn.

TESTIMONY OF J. G. IMOSEN

Chairman NYE. State your name to the reporter.

Mr. IMOSEN. J. G. Imosen.

Chairman NYE. Where do you reside?

Mr. IMOSEN. About 7 miles south of Jackson.

Chairman NYE. Do you want to speak upon the matter that is involved in this investigation?

Mr. IMOSEN. Yes, sir. Mr. Hansen in his testimony touched upon a phase of the question that I wish to take up now. The Jackson Hole plan, as we understand it, offers certain grazing privileges to the cattlemen of Jackson Hole. My understanding is that the plan requires congressional action—that is, that it proposes congressional action to guarantee these things to the cattlemen in this section. I have talked this matter over with Mr. Winger a number of times, and he and I disagreed a little on it. While I do not graze cattle upon the national forest, that is a right that I would like to see made permanently to the advantage of the cattlemen in this section, if the Jackson Hole plan or the park extension is consummated. It is my understanding that the Secretary of the Interior in 1916 was accorded the power to grant grazing permits within the national park lands of the United States and its possessions otherwise than the Yellowstone National Park, and with a view of ascertaining what the policy has been of the Secretary of the Interior in this phase of the matter, I wrote him and asked him for a list of the permits that had been granted during the time that he had been in power.

Chairman NYE. When did you address that inquiry to him?

Mr. IMOSEN. I haven't the letter, but it was in 1932.

Chairman NYE. You had a response to that inquiry?

Mr. IMOSON. Not from the Secretary of the Interior. After waiting a reasonable time I then took it up with Congressman Carter of Wyoming, and in due time received a tabulation of those rights which he had secured for me. I will just touch briefly upon those figures and not take too much of your time. The figures include the permits that have been granted during the 16-year period upon 12 national parks of the United States and 1 in Hawaii. That report covers several pages. In order that we might get at the gist of the matter, I have taken the first 4 years in which permits had been issued upon the national parks and the last 4 years. The reason for that is because of the fact that the permits were issued at different times. Some were issued in 1916 and some not until 1920 or later. Now, for the first 4 years in which grazing permits were granted upon the national parks of the United States after 1916, the average number of livestock grazing under permit from the Secretary of the Interior was 12,400 head. The number grazed upon the national parks of the United States during the year 1931, 16 years after the power had been granted the Secretary of the Interior to permit such use in the national parks, the number grazed was 3,782 head, which represents approximately a decrease of those permits issued of about 70 percent. The point I wish to make is this—that if the Jackson Hole plan is successful, I want to see the rights guaranteed by congressional action to these cattlemen. I don't want to see it left to the discretion of the Secretary of the Interior to grant these permits, because of the fact that I believe, if it is so left, within a few years these cattlemen will be deprived of those rights or restrictions will be placed upon them to such an extent that it will be an embarrassment, probably, rather than an advantage to them. I would like to see a definite period placed upon the time in which the cattlemen will enjoy this privilege, if and when the park is extended over this area. The reason why I make this statement is because of the fact that it is my understanding that if and when these lands are transferred to the park, the Secretary of the Interior then has the administration of these lands, and he can be a very arbitrary head in the administration over these lands, and there is very little recourse to his rules and regulations.

I believe that is about all I have to say. I had a number of things to say to the committee, but they have been pretty well covered by other witnesses this evening. I would like to say, however, that I am against the park-extension program. I believe that if and when it is consummated it will mean an added tax burden to those of us who are left in this country, and I do not believe that we will be able to continue unless some other source of revenue is provided. I think that is all.

Chairman NYE. All right. Thank you, Mr. Imosen.

(Whereupon, the witness was excused.)

Mr. WINGER. I wish to clarify that statement about the Jackson Hole plan. I am in total agreement with what Mr. Imosen has said about this project and the Jackson Hole plan. As to a plan whereby Congress will safeguard the cattlemen in this area—in fact, if Congress does not safeguard the cattlemen, it is not the Jackson Hole plan.

Chairman NYE. Is there anyone else who wishes to be heard? If not, then, we are about to close the hearing, so far as that to be held

in Jackson is concerned. The committee still has before it the task of taking the evidence at some time in the future of certain witnesses who will be heard in the East when the committee returns there in the fall, including Mr. Albright, others connected with the Snake River Land Co., and, if it is deemed advisable, Mr. Rockefeller himself.

In the morning, the committee plans to drive over a part of the area involved in this Snake River Land Co. project.

Before taking our departure, as we will be doing tonight, I believe for the committee I ought to speak our appreciation for the manner in which you in this community have cooperated and responded to our wishes in a way that has enabled us to expedite the hearing. I should hate to leave—and I know every member of this committee should hate to leave—this community at this time feeling that any single individual in the community has reason to believe that we were unfair and unsympathetic in the conduct of this investigation. Likewise, we should dislike to leave feeling that there was anyone who felt he had been denied opportunity to lay before the committee facts which this investigation calls for us to ascertain. I hope that we may have, as thoroughly as we have had your cooperation up to this time, your most sincere belief that we are going to try as best we know how to contribute to an ultimate solution of this problem, a solution that is going to revert not only to the pleasure of the people of the United States of today, but to those individuals who are coming on after we are dead and gone. To you people of this community who make it your home and who intend to continue to make it your home, I want to say that I envy you very, very much. You have every reason to guard jealously against any such action as might deprive you or your successors of any of the advantages that go to make up this place that you have chosen to make your home.

Now, I want to do a thing I have never done before. I think the people of this community ought to have set before them the very unusual experience that has occurred during these hearings. I have served upon a great many committees, and of some of them I have been chairman, but I have never served upon a committee that has conducted so protracted an investigation—one which has continued through 3 or 4 days, and some of them running into the evening, and this one past midnight—and I have never known of the full membership of any committee to stay as steadily by their job as have the members of this committee. You who have followed the hearing closely undoubtedly have observed that every member of the committee has been here constantly through every session of the hearing, until at a very late hour tonight Senator Norbeck, who is not as well as we wish he might be, felt that he had to excuse himself. I hope that that fact might convince you, as nothing else would, that these five men who form this committee are determined, if that is within our power, to make this the last commission and the last committee that is coming out here to deal with this controversy, which now has lasted all too long. If we can do that, if we can contribute in any way to that end, we are going to be most happy, and we are going to be doubly pleased to have had this opportunity to meet here again and to renew our delightful acquaintances and to enjoy this lovely country of yours.

I rather think that other members of the committee might want to speak their minds. Senator Ashurst, have you a word to leave here with these folks before we go?

Senator ASHURST. Mr. Chairman, it would be impossible for me to add anything to the felicitous, able, and appropriate address of our beloved chairman, but I have a very carefully prepared extemporaneous speech always ready. I should add a word about the proposition that is before you and before this committee. For many, years—in fact, since the creation of your State—you have had a succession of Senators and Representatives, the equal of the Senators and Representatives in ability and power of any other State.

You have a difficult problem here before you. We have tried to assist you, and we shall continue to try to assist you. I do not perceive, however, how you in this county or in any other county in this State may hope to adopt a plan over the opposition of your two Senators. To bring to fruition any plan, you must have the united and the enthusiastic approval of your Senators. You might as well realize first as last, that you must enlist the aid of your Senators, for the other States are not going to put over on Wyoming something that her two Senators do not want.

My personal relations—and I am sure this is true of all of the other members of this committee—with your present Senators are warm to the point of affection.

With the sincerest expressions of delight in being with you, I wish you a happy life and a long life, if a long life is what you desire.

Chairman NYE. I am sure that your neighbor, Senator Adams of Colorado, wants to say a word to you.

Senator ADAMS. I have now learned that the chairman's compliments to us for being patient were not because we were interested in the hearing but that we were waiting for these final speeches.

Chairman NYE. I think that 5 years ago Senator Ashurst was among those of us who concluded that it would never be necessary for another commission to come back to Wyoming, which is not saying that we have not been glad to come back. When it was first suggested that another Senate committee be brought out here, there was a feeling that this was a task that should have our best efforts to the end that this question might be settled once and for all. If this hearing out here in Jackson Hole has accomplished anything at all—and I hope it has, and I believe it has—whatever has been accomplished is owing to Senator Carey. I am sure Senator Carey, before we break up this delightful party, is going to want to say something to you people, as well as the rest of us.

Senator CAREY. I just looked at my watch and discovered it was 12:30. I believe the time allotted me is 45 minutes, but, unfortunately, I have not a Chatauqua speech. I am sorry I made that suggestion to the Senator from Arizona, because I traveled with him in California last year and know it is not a Chatauqua speech. Most of it, with reference to the Wyoming delegation, was a darned good speech; I thank him for it.

I do want to say a few words before the meeting adjourns. I am very glad that the committee has come here, and that the committee has taken the time to go into this matter most thoroughly. I think you people know my feeling toward park extension. I have not changed since the time I was Governor, and I fought park extension

at that time and I feel the same today about the extension of the national parks in Wyoming. I think we have enough parks.

I asked this committee to come out here, and asked for this investigation, for the reason that I was unable to bring this matter to any kind of a settlement. I made every effort for a compromise. I talked to the Director of the National Parks on many occasions. I talked to representatives of the Snake River Land Co. I could never get the Director of the National Parks to agree to anything, except that he should have everything his own way. He was unwilling to give an inch in the matter. I made repeated efforts to confer with Mr. Rockefeller—I hoped that if I could get to talk with him perhaps I could explain some things and get some compromise in this plan. I have never been able to see Mr. Rockefeller, who declined to talk to me.

Senator ADAMS. Get him by subpoena.

Senator CAREY. He will talk to me. I do want to say this, in regard to Mr. Rockefeller, that I do not think I ever said anything in criticism of him in connection with this plan. I feel that Mr. Rockefeller was brought out here, was shown over the country by the Director of Parks, that he only met those whom he wanted him to meet, and he did not see or hear all of the people in this community on both sides of this question.

But that is all beside the question. I asked for this committee, hoping we could work out some plan and bring this to a conclusion. I realize the situation the people are placed in in this section. I know that this country cannot go ahead, and cannot make the progress it should make, that there is feeling among the people in this community that everything is wrong here until this question is settled, and settled right, and my hope is that the result of these meetings will be that some plan can be worked out to bring this controversy to an end. I am not one that must have everything my own way—I am perfectly willing to agree to any reasonable compromise; in fact, I think I made some suggestions which were reasonable. I realize in this controversy that these lands that Rockefeller has purchased through the Snake River Land Co. belong to him; I presume he has a right to keep those lands, and I also concede his right to give those lands to whomever he wants to give them to. But, in addition to the lands that belong to Rockefeller, are public lands that belong to the people. He can place his lands where he pleases, but I think the rest of us have something to say as to where the rest of these lands in this area go. But I do hope that all of us, regardless of which side we have been on, will make an honest effort to get together, will try to work out something.

I think it is too bad that there has been the feeling that there has been, and is here today, and I hope that this can be brought to a conclusion soon, and I am going to work to that end, and I hope that everyone here will join together and try to work out some reasonable settlement of this matter, and that is all I desire and all I hope for from this investigation, and, if that can be brought about, I will be most happy and I know a great many other people will be, too.

I thank you.

Chairman NYE. With that, the committee stands adjourned until further call.

(Thereupon, at the hour of 12:42 a.m., the hearing stood adjourned subject to further call of the chairman.)

